RIGHTS

OF A

FREE PEOPLE.

BRITISH MUSEUM

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FREE PEOPLE.

AN ESSAY

ON THE

ORIGIN, PROGRESS, AND PERFECTION

OF THE

BRITISH CONSTITUTION,

WITH AN HISTORICAL ACCOUNT OF THE VARIOUS MODIFICATIONS OF MONARCHY, FROM THE NORMAN INVASION TO THE REVOLUTION.

Et cum ſacratiſſimas Conſtitutiones, antea confuſas, in luculentam ereximus conſonantiam, tunc noſtram extendimus curam ad immenſa veteris prudentiæ volumina, et opus deſperatum, quaſi per medium profundum euntes cœleſti favore jam adimplevimus.

JUSTIN. INST.

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1792.

BRITISH MUSEUM

EPISTLE DEDICATORY.

TO THE MOST EXCELLENT AND SACRED MAJESTY OF THE PEOPLE.

IT has been a matter of much concern and debate with me, whether I ſhould begin this addreſs to you, according to the uſual mode of addreſſing majeſty—SIRE. This I at firſt conſidered as ungrammatical, it was applying the ſingular number to a multitude; but I ſoon recollected myſelf, and was better reconciled to the ſoleciſm, on finding in an old ſpeech, made by ſome former ſovereign, whoſe name I have forgot; that though the term *Sire*, apparently of the ſingular number, was made uſe of in addreſſing royalty, Majeſty was evidently of the plural number, and by conſequence, *Sire* was ſo too. It farther occurred to me, that, failing to overturn this grammatical objection, I might probably

A ſhield

ſhield myſelf from criticiſm, under a licenſe frequently exerciſed by the ancients of perſonifying a multitude. But conſidering the matter a little deeper, that I might expoſe myſelf as little as poſſible to cenſure, I reſolved at laſt to reject the term *Sire*, and adopt a mode of addreſſing you, better ſuited to your condition, and ſtation in life—*My Lords and Gentlemen*. Here again I quarrelled with myſelf; I reflected this mode of addreſs might probably give offence to SOME, who were in the habit of thinking, that "*to be a lord, was to be ſomething leſs than a gentleman*," and therefore had no claim to precedence. I reverſed it—*Gentlemen and my Lords*. This ſounded ſo ill, ſo unlike any mode of addreſs hitherto uſed, that I could not endure it for a moment. I had now no alternative, but to give up all hopes of dedicating to you the following ſheets, intended for your ſole amuſement, or addreſſing you in a form diſagreeable to you, or contrary to my own judgement; at laſt (by the advice of my bookſeller) I reſolved to adopt the following method: to leave it entirely to your own better judgement, to apply which ever form ſhould appear moſt pleaſing to yourſelves.

It is generally the function of dedications, to ſelect a whimſical group of *good qualities* called virtues, and beſtow them munificently on the patrons, in the hope of obtaining *at leaſt a good dinner*. Now, though I profeſs myſelf ſo diſintereſted, as to have no ſuch mercenary views, in framing the preſent dedication, I am willing to attribute to you every virtue you poſſeſs, and all the flattery you can reaſonably expect. Conſidering the preſent as a ſpecies of introduction, as well as dedication, an author leſs prejudiced in your favour, and leſs prone to flattery than myſelf, might probably have addreſſed you in ſomething like the following terms.

" When a topic, having acquired through a ſtrange coincidence of events, what is called popularity, becomes the ſubject of diſpute, between the laws of the country, and the will of the mob, juſtice is inſtantly *dignified* with the ſtigma of perſecution, the ſtandard of faction ſet up, and (according to a quaint term, with which you are well acquainted) *nick-named* by its ſupporters, the banner of liberty. Strange as it may perhaps appear to future ages, experience has ſufficiently taught us, how very inadequate national juſ-

tice is, to the proper ſupport of national honour, whenever the hackneyed terms, LIBERTY, FREEDOM, AND THE RIGHTS OF MAN, are loudly vociferated from all quarters, to ſhew the partizans of faction are alert, and ſleep not on their poſts. Inſurrections, the conſequences of this or ſome ſimilar manœuvre, are of two kinds, one is a general convulſion of the people, the other a partial ferment of an enraged mob. Though the former may frequently grow out of the latter, we have no inſtances of one degenerating into the other; one is rarely to be appeaſed without much blood-ſhed, and all the horrours attendant on a civil war; the other may frequently be repreſſed by the ſpirited interference of half a ſcore petty conſtables. One ſtrikes at the root of all eſtabliſhed government, the other delights only in the petty miſchief of wreaking its vengeance on a few individuals; we condemn the miſ-directed zeal of the ringleader of a mob, and with ſome ſort of exultation, put him from that ſociety, againſt whoſe laws he has offended, while the more dangerous political fanatic, that would ſpread fire, and deſolation over the face of the whole country,

try, is either ſuffered to rage with impunity, till the evil he excites is grown too formidable to be repreſſed, or (if puniſhed) he is party-ſainted as a martyr to what is ingeniouſly called *the liberty of* his country. The partiality, and injuſtice of the different modes of treating theſe two characters, have probably been among the principal cauſes, that at different æras, and in various countries, have cheriſhed, and matured thoſe diſturbances, which have not only threatened, but actually effected the total ſubverſion, and deſtruction of eſtabliſhed government, though the matter really in diſpute, were frequently too trivial *in the beginning* to engage the attention of moderate men, even of the ſame party, or way of thinking with themſelves. There is a certain degree of ſpirit, either naturally implanted in the mind of man, or acquired by the habits of ſociety, and zeal of party, that hurries him on with intrepidity, though to his own certain deſtruction, provided he is vain enough to flatter himſelf his *falſe enthuſiaſm* will be conſtrued into *patriotiſm*, and the *forfeiture* of his life a *martyrdom*. Under this hope, many, though perhaps poſſeſſed of leſs ſpirit, and real intrepidity,

than the leader of the petty inſurrection juſt deſcribed, will do what, otherwiſe, might be a *violence* to their feelings, enchanted by the pleaſing, not to ſay glorious proſpect of POLITICAL CANONIZATION. According to the faſhion of the preſent times, whatever may originally have been the ſubject of diſpute, *religion* is *ſure* to be made a party in it, 'ere it is concluded: it ſerves as a whet-ſtone, to ſharpen the *anger* of thoſe lukewarm friends to the cauſe, who, though they may boaſt but little *political knowledge*, or perhaps COMMON SENSE, may, notwithſtanding their defects in theſe particulars, poſſeſs fanaticiſm in abundance; it ſerves to ſwaddle, and nurſe the infant party, during its weak, and puling minority, and afford it a ſuccour it will deſpiſe, and ſpurn when arrived at maturity.

"When pulpit, drum eccleſiaſtic,
"Is beat with fiſt, inſtead of a ſtick."

It may be made a ſerious queſtion, whether *the internal peace* of a nation is in moſt danger, from the folly of the community, or the eloquence of the orator? His attacks are made always on the weakeſt ſide of the human underſtanding—THE PASSIONS. It requires no extent of abilities to tell, *and convince*

vince the people in ſo many dry words, they are *damned*, or *ruined:* piety, and patriotiſm ſucceed each other as parent, and child, and political liberty (*or rather republicaniſm*) is made an inſeparable appendage to that of conſcience. It is not that any ſet of religious tenets, in their pure, and original ſtate, may be inimical to freedom, or public peace; but it becomes an eaſy matter for the caſuiſtical expounder of thoſe tenets, to render them obnoxious to both, by availing himſelf (as has been before obſerved) of human weakneſs, to perſuade the unlettered, which in all probability is by far the moſt numerous part of his congregation, of the extent of his abilities, the purity of his morals, and the patriotic piety of his *humble* endeavours. They give him full credit for all he utters, they follow him through the mazes of his rhetoric, they trouble not themſelves to examine the truth, or ſolidity of his arguments, but refer only to his concluſions; as ſome perſons content themſelves with remembering the text alone, thinking, perhaps, the expoſition below their notice. Should *he* tell them, every ſect, or perſuaſion but their own,

were in an irrecoverable ſtate of damnation, they will have Chriſtian charity enough to place implicit faith in his knowledge. Should he tell them the teſt act, and the candles on the communion table were relicks of popery, they would without heſitation believe him in both inſtances alike; debaſing his religious fervour into ſeditious inſinuations, he can turn a ſermon, or a theological pamphlet into a pious exhortation to the community, to level every preſent diſtinction of ſociety, every internal regulation of what moderate men admit to be government, and letting looſe anarchy, confuſion, and the rapacious ſpirits of factious, ambitious, indigent men, to purſue the ſpecious phantom Liberty, ſtill flying, ſtill to be purſued, till in the end having exhauſted its wealth, its ſtrength, its every ability of further conteſt, without the ſmalleſt advancement of the ideal happineſs, it ſits down at laſt, *cheated by its leaders*, ASHAMED OF ITS FOLLY, MISERABLE, AND CONTENTED."

Now, though there might be much homely truth in this kind of addreſs, the ſtile of it would not be flattering enough to your diſcernment

cernment to acquire your approbation; to win *your* undivided favour, a political writer muſt habituate himſelf to treat a certain ſtring of topics according to the popular faſhion; he muſt perpetually "*trumpet-tongued*" remind you of imaginary grievances, and fictitious diſtreſſes; he muſt, like the *memento mori* on an atchievement, be continually endeavouring to alarm your fears, for a ſtate neither terrible, nor diſtreſſing: this may be the *prudent* office of a political candidate for fame, but it is not that of an honeſt man.

A friend to the quietude of political, as well as religious conſcience, will endeavour to ſooth, and allay terrors, rather than excite them; he will attempt to expoſe the fallacy of ſceptical doctrine; and, as a motto more applicable to the nature of his theme, will tell his auditory *in cælo quies*, ſooner than terrify them by the more melancholy dirge of *mors janua vitæ*.

Fears of popular diſapprobation, or hopes of applauſe, ſhould never deter, or excite the production of political tenets: no good citizen will ſuffer ſuch conſiderations to bias his mind, or his pen even for an inſtant.

Juſtum,

Juſtum, et tenacem propoſiti virum,
Non civium ardor prava jubentium,
Non *vultus inſtantis tyranni*
Mente quatit ſolidâ.

With every *due* acknowledgment of your majeſty's conſequence, every wiſh for your uncontaminated freedom, your proſperity, and happineſs,

I have the honour to be

Your Majeſty's moſt

Dutiful and obedient

Humble Servant

The AUTHOR.

PREFACE.

SALUS POPULI SUPREMA LEX. This is the principal, or at leaſt moſt *favourite* maxim of what is called a free government: diverſity of opinion, contrariety of intereſts, the fickleneſs, the ambition, the factious tempers of ſome individuals; bigotry in religion, and falſe, though violent enthuſiaſm in political concerns, have all joined in rendering it difficult to define what that SALUS is. It is evident, that to comply with the deſire of any particular ſect, would be to erect a deſpotiſm pleaſing to a ſmall part of the ſociety, at the expence of the remainder; therefore, till this catalogue of varied complaints can be ſimplified, and contracted, ſo that the compliance may oppreſs none, but (agreeable to the principles of equity) do good unto all men, it is not poſſible for *any ſyſtem of government whatever* to pleaſe all or content all.

For inſtance, aſk the merchant his opinion as to what are the principles of a free go-

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vernment (or in one word, the *ſalus* we have been talking of), he will tell you on the inſtant, an uninterrupted commerce, unfettered by impoſts, or *a cuſtom-houſe*; aſk the country gentleman, fond of the amuſements common to his ſtation, whether he lives in a free country? he will anſwer your queſtion, by aſking you, in his turn, another: "*How it is poſſible any people can be free*, WHERE A GENTLEMAN, THOUGH EVER SO WELL QUALIFIED, *cannot courſe a hare, or kill a partridge, without being taxed for it?* Even the wealthy noble (eſpecially if in what is quaintly termed oppoſition) will find grievances enough to convince him *he is a ſlave*, in the duties on wheel-carriages, and ſervants, or the *commutation tax*. The rich *commoner* peruſing his rent-roll, or the highly finiſhed maps of his extenſive domains, feels a conſiderable abatement of his exultation, when he ſuddenly recollects the land-tax is *four ſhillings in the pound*; while the humbler, though not leſs diſcontented tenant, thinks (particularly ſhould he be a diſſenter) there can be no more certain proof of liberty, than the abolition of *tythes*. The furious non-conformiſt car-

carries his ideas of ſlavery beyond what merely relates to political government; with *him* deſpotiſm is introduced even into religion, and there can be no ſtronger proof of it, than an *eſtabliſhed liturgy*, or a *ſurplice*; though profeſſing to deſpiſe *the things of this world*, he feels his *rights*, or what is ſtill worſe, his AMBITION curtailed by the *teſt act*, and thinking no perſuaſion but his own perfect, as well in political, as civil concerns, calls Cromwell a ſaint, and the *barebones parliament* the only fair, and genuine repreſentation of the people of England that ever exiſted. It is the natural principle of the human mind to condemn that particularly which affects it moſt, to diſregard the ſorrows of others, and aggravate its own; local, and partial hardſhips, (but even the exiſtence of *them* is not proved by the viſionary ravings of our own imagination) muſt of neceſſity, even after they are proved, give way to the general intereſt. A member of ſociety is not man in his original character, though ſtiled a ſocial animal; he muſt part with many of the rights he poſſeſſed in that original character, to qualify him for thoſe ſu-

perior

périor rights * he poſſeſſes in his ſecond ſtate. In every *free* community, whatever militates againſt its real intereſts muſt be abrogated; it is a contradiction in terms to ſuppoſe otherways; the *government* †, of ſuch a community, can neither be weak, or hardy enough to diſpute the point; but the reform, or repeal is not to be effected by the armed force of a diſcontented rabble, a drunken meeting at a tavern, or a ſeditious treaſonable harangue

* La ſociété; comme nous l'avons remarqué ci-devant, a des droits légitimes ſur les membres par les avantages qu'elle leur procure: chaque citoyen fait avec elle un pacte tacite qui, pour n'être pas rédigé par écrit ou clairment énoncé, n'en eſt pas moins réel. Pour exercer des droits ſur ſes membres, la ſociété leur doit la juſtice, la protection, des loix qui aſſûrent leur perſonne, leur liberté, leur biens: elle s'éngage á les garantir de toute injuſtice ou violence, à les défendre contre leur paſſions reciproques, à les mettre à portée de travailler ſans obſtacles, á leur bien-être propre ſans préjudice de celui des autres; á placer chacun ſous la ſauvegarde de tous, pour le faire jouir en paix des choſes qu'il poſſede ou qu'il a juſtement acquiſes par ſon labeur, ſes talens, ſon induſtrie.

Syſt. Soc. Tom. II. Cap. 1.

† Which is nothing more than a power erected by the community for its own eaſe and ſafety.

(from

(from a pulpit, or an *horſe-block*) which by a ſtrange, not to ſay blaſphemous perverſion of terms, is ſtiled A DISCOURSE, OR A SERMON.

By the event known in Britain by the term revolution, the *omnipotence* of the people is not only acknowledged, *but proved*; that *omnipotence* they have not diveſted themſelves of, and they ſtill retain ſenſe, and ſpirit enough not to ſuffer it to be explained away, or uſurped by a ſceptical, or indigent faction. The government of Britain is the government of the people, not the uſurped authority of a deſpot; they poſſeſs the warmeſt, and moſt ſincere attachment to it, and will, (*ſome individuals only excepted*) reſiſt the alteration, both of their *polity*, and their *religion*, with that moſt cogent of all arguments, their SWORDS; they are not the tame, the humble, ſervile *ſubjects* of a monarch, but the free unfettered ſupporters of a ſyſtem congenial to their wiſhes, and productive of their happineſs; they are ready to give every proof of their allegiance to the perſon of their prince, and reſpect for his character, and virtues, and appeal only to the great event that placed him

him on the throne, to point out their rank, and precedence *.

* Un pays vraiment libre ſeroit celui où chaque citoyen, protégé par la loi, jouiroit de la facultè de travailler à ſon propre bien être, ou à ſon intérêt particulier, et où il ne ſeroit permis à perſonne d'agir contre l'intérêt genéral, ou de nuire au bien-être de ſes concitoyens, une ſociété eſt libre quand tous les membres ſans diſtinction, ſont ſoumis à l'equité, qui eſt invariable, et non à la volonté, de l'homme ſi ſujette à changer. Une liberté juſte ne laiſſe à chacun que le pouvoir de chercher ſon advantage propre, ſans préjudice de celui d'un autre, on n'eſt plus libre, on eſt licentieux, des qu'on s'écarte des regles immuables de'léquité, de la vertu, de la morale, que nulle inſtitution ne peut jamais contredire, que nulle ſociété ne peut anéantir ſans ſe détruire elle-même.

La liberté ne conſiſte donc pas, comme quelque gens l'imaginent, dans une égalité prétendue, entres les concitoyens : cette chimere adorée dans les etats démocratiques, mais totalement incompatible avec notre nature, qui nous rend inégaux pour les facultés, ſoit du corps, ſoit de l'eſprit. Cette égalité ſeroit encore injuſte, et dés lors incompatible avec le bien de la ſociété, qui veut que les citoyens les plus utiles à la choſe publique ſoient plus honorés, les mieux récompenſés, ſans être pour celà diſpenſés, de la loi générale que preſcrit à tous des regles uniformes. La vraie liberté conſiſte à ſe conformer á des lois qui remédient á l'inegalité naturelle des hommes, c'eſt à dire, qui protégent également le riche et le pauvre, les grands, et les petits, les ſouverains, et les ſujets. D'où l'on voit que la libertè eſt, également avantageuſe á tous membres de la ſocietè.

Syſt. Soc. Tom. II. Cap. 3.

AN

ESSAY, &c.

WITHOUT any reference to hiſtory or antiquity, it muſt readily be admitted, that, all governments whatever muſt have originated in one of two cauſes; either in uſurpation, and conqueſt, which are the ſame thing, or in the free conſent of the majority of a number of people, forming themſelves into a body, and conſtituting what is called a nation. The firſt is, the violent act of an individual, regarding only his own aggrandization; the other the free gift of a multitude, not contrived for the aggrandization of an individual, but for the mutual ad-

vantage, the peace and ſecurity of themſelves. A variety of forms have, at different æras, been adopted, according to the temper, and circumſtances of the ſeveral potentates, who contrived, and erected them, as well as in conſequence of a number of revolutions, through which governments became conſiderably altered from their original inſtitution. The terms applied to them, being of Greek origin, might lead one naturally to conclude, that, Greece alone ſtood forth among the ancients, as affording models of every different ſpecies of conſtitution, for the reſt of the world to copy from, were it not in the power of every petty ſcioliſt to contradict us. In governments, as in the different orders of architecture in uſe among the ancients, the general diſtinctions have been preſerved, and handed down to us; a little corrupted, indeed, by the inroads of gothiciſm, and caprice, but conveying to us a tolerable idea of their ſymmetry, ſtrength, and beauty. The compariſon may be carried ſtill further. As in the caſe of architecture: a fifth order was added in latter times, purpoſely contrived to unite in one the ſtriking beauties of the others; ſo monarchy, ariſtocracy, and democracy, each

appearing

appearing ſeparately, imperfect, or unjuſt, a fourth was added, participating of all three, and not having the venerable ſtamp of antiquity to grace it, was obliged to be content with a modern name. To define the principles, and ſtate objections to any of the ancient governments, were totally needleſs; any perſon at all acquainted with hiſtory, muſt (as it were practically) be informed of the defects, the oppreſſions, the inconveniencies of each. Many nations have tried every varied form, and it were hard to decide which they were, internally, moſt unhappy, or unfortunate under. Rome, owing its foundation to the enterprizing ſpirit of one man, who was at the ſame time a man of conſummate policy, naturally fell under the dominion of a ſingle perſon; but perfectly aware of the jealouſies, and diſcontents that attend an abſolute monarchy, Romulus contrived, as a kind of palliative, to mingle a tincture of ariſtocracy along with it, to break, as it were, the diſtance between himſelf, and the people from among whom his ſenate were choſen. Prudent as it might be, and how well ſoever calculated to quiet the minds of the community, and ſhield royalty from odium, it

was not ſufficient to luſl the fears of the one, or prevent the diſgrace of the other. On the expulſion of kings, ariſtocracy ſucceeded, and the voice of the people was drowned in the patrician fiat, till in its turn, this mode of government became equally odious, and democracy obtained ſomething like a ſhare, or partnerſhip with her twin ſiſter. Hence followed a continued ſeries of maſſacres, conſpiracies, and civil wars: conſtant jealouſies produced conſtant diſcontents; and private feuds were followed by public commotions, like cauſe and effect; till, in the end, wearied with inteſtine ſlaughter, terrified by proſcriptions, and weakened by the loſs of ſo many hundred thouſand of her beſt citizens, Rome, who had ſpread the terror of her name over every part of the earth ſhe was known to, and had even compelled, by mere force of arms, the major part of it to ſubmit to her yoke, fell herſelf once more under the dominion of a ſavage and a tyrant. Deſpotiſm, though founded in conqueſt, was again unſucceſsful, though its ſecond downfall was not occaſioned by public virtue, or the ſpirit of its ſubjects: enervated by luxury, abſorbed in vain contemplations of its own greatneſs, the imperial

rial purple ſunk at laſt before a tattered hoſt of robbers, leaving a melancholy proof to future tyrants, how very unequal ambition is to the defence of her own pretenſions, when they are not eſtabliſhed in virtue and public juſtice.

Governments originating in conqueſt, or uſurpation, have generally been ſtrictly monarchical; there may, indeed, be a few exceptions, when policy has endeavoured to ſoften an act of injuſtice, by one of apparent philanthropy. The Tartar chief, who ſubdued China, knew too well the extent and value of his acquiſition, as well as the difficulty of maintaining, by a conſtant ſtretch of power, that authority which the ſucceſs of his arms had raiſed him to, to riſk the loſs of it, by impoſing the ſmalleſt apparent hardſhip, or introducing any cuſtom or regulation that might in any degree tend to alienate the affections of his newly-acquired ſubjects. As long as he enjoyed the revenue, all rites, laws, and cuſtoms to him were equal; he did not endeavour to compel, or even perſuade the introduction of thoſe maxims of government, which were familiar to him, for, becoming himſelf a Chineſe, he changed

only the perſon, and not the ſyſtem itſelf. Yet theſe examples are very rare; and, perhaps, the mind of man cannot contrive any thing more unjuſt, more inimical to the natural rights of his ſpecies, than an abſolute monarchy founded in conqueſt. But where power is, it is ridiculous to talk of rights. When a man holds his empire by the keenneſs of his ſword, the queſtion is, not what he may do juſtly, but what he may do ſafely. William the Norman deriving his ſcepter from the ſame ſource Julius Cæſar did his office of perpetual dictator, was compelled through fear of repeated inſurrections, to conciliate, to ſooth, to flatter, to threaten, to commit every act of violence: in ſhort, to act with the moſt apparent verſatility, and ſeeming inconſiſtency to nations, who were not acquainted with the ſprings of all his actions, and the ſecrets of his councils, while he confirmed to one part of his kingdom all the ancient rites they poſſeſſed, and deigned to accept their homage and ſubmiſſion on the ſame preciſe terms his predeceſſors had claimed it, in another diſtrict he confiſcated the property of all thoſe who oppoſed him. He impoſed heavy tributes, erected fortreſſes to compel

compel the payment of them, and curb the riſing ſpirits of the vanquiſhed; and, in ſhort, left them with every mark of vaſſalage, ſlavery, and conqueſt. In the end, having, by different means, acquired an abſolute dominion over the whole *, he bequeathed a crown to his ſucceſſors, with rights totally unimpaired by the freedom of his ſubjects; and as he had lived execrated, died deſpiſed.

A conqueſt, accompanied by ſeverity, can never be permanent: this the ſucceſſor of William, ambitious perhaps as himſelf, though probably ſomewhat leſs tainted with cruelty, and better ſkilled in national polity, ſoon appeared thoroughly ſatisfied of. Having had ſufficient opportunities of feeling the temper of his ſubjects, for ſuch they were in the ſtricteſt ſenſe of the term, Henry, the immediate ſon of the Conqueror, wiſely thinking the internal quiet of his kingdom, and peace of his reign, more likely to be ſecured by conciliatory than violent meaſures, granted, of *his own free will and royal muni-*

* The extent of his aſſumed power may be judged from the tenor of his proclamations, of which the ſeveral terms *ſtatuimus*, *firmiter præcipimus*, and *volumus*, may ſerve as examples.

ficence, a certain charter, which, from its own tenor, ſufficiently proves the ſlavery in which the people were held by his two predeceſſors. The immunities and privileges granted by it, which were, at the time they were beſtowed, eſteemed of the utmoſt value, do little more than reſcue the ſubject from being the mere private and abſolute property of the ſovereign as much as any landed eſtate.

It was no uncommon thing for the king to bequeath his kingdom, by will, with as little ceremony as he would diſpoſe of his private chattels; and this too, ſometimes, to the direct diſheriſon (if the term be permitted) of the heir at law: in ſhort, the monarch was, according to every human idea, abſolute; diſpoſing of the property, and even the lives of the moſt eminent of his ſubjects, merely at pleaſure. For the flimſy excuſes framed for the confiſcation of one, and the forfeiture of the other, were rather a mockery, and inſult to public juſtice, than any palliative for the tyranny and aſſumed right. The king was deſpotic—nor was this all the grievance; there were a number of enterpriſing perſons who rendered themſelves, on various occaſions, ſerviceable to the crown; who, from a daring

ſpirit,

ſpirit, an extenſive property, and a ſuppoſed popular influence, had either in their own perſons, or derived from thoſe of their anceſtors, become poſſeſſed of power truly formidable, both to the country, and the prince: they were the ſteps by which he aſcended the throne; and, as neceſſary ſupporters, he behaved to them with reſpect. Conſidered as a body, he feared them—as individuals, he treated them as creatures of his own power. Accuſtomed to the daily ſight of tyranny, they became naturally habituated to it. They were callous to the feelings of humanity themſelves, becauſe they well knew their ſovereign, on whoſe breath they depended, poſſeſſed none. They were tyrannical, were it only for faſhion ſake; and exhibited at their caſtles a picture, in miniature, of the manners, the vices, the deſpotiſm of the palace.

The ſovereign was reputed lord of the ſoil of the whole kingdom; and granted away territories, at pleaſure, to reward or bribe indiſcriminately his ſycophants or his enemies.

The barons, as they were called, granted away, in their turns, portions of their petty kingdoms; and the feudal tenants were, to them, in every thing but power and conſe-

quence,

quence, what they themſelves were to their ſovereign. Thus the ſyſtem of *imperium in imperio* was perfect: and the ſcale of vaſſalage became complete, from the peaſant to the prince.

A government ſo pyramidically conſtructed might appear contrived to bid defiance to the injuries of human reaſon, or natural rights of freedom. The ſovereign ſeemed ſupported by his nobles, to whom he became neceſſary, as he protected them in their conſequence; and they, in their turns, derived equal advantages from the feudal tenants, to whom they doled out their territories. Splendor and dignity being principally created by the number of vaſſals, the people, unconſcious of their own worth in the ſtructure of government, ultimately formed the baſis of their ſovereign's power. Grants, charters, proclamations, all breathed the ſame ſpirit of right to diſpoſe of the perſons, and property of his ſubjects; and whatever he remitted of that right, was conſidered as an act of ſpecial favour.

William the Norman, ſtiled the Conqueror, affected to receive the crown as the free gift of the people: ſo might a robber plead in his defence, that he had not actually rifled the pockets

pockets of the perſon he was tried for plundering, and therefore was not chargeable with forcibly taking what was put into his hands. Their defences appear to run exactly parallel, and reaſon muſt reject the one as nonſenſical, as a jury would find the other too logical for their plain common underſtanding. The nation recovered the conſternation into which it was thrown by the conqueſt, but ſlowly. Except in ſome very petty inſurrections, repreſſed as ſoon as raiſed, no attempt was made by the people to regain their natural rank, in the ſcale of human beings, till near an hundred and fifty years had elapſed.

The tyranny of John prompted, and his cowardice encouraged, the ſucceſsful attempt of the barons to reſtrain that very extravagant ſtretch of arbitrary power, ſo often practiſed by himſelf, and his predeceſſors. Magna Charta was, however, not procured by the public ſpirit and zeal for liberty ſhewn by the community at large, but was the peace-offering in a diſpute between the monarchical, and ariſtocratical powers—and, as will appear from the ſeventy-firſt and three following articles of the charter, was little more than

ſhifting

ſhifting a portion of the power of the one into the hands of the other.

This ſtruggle for ſupremacy between two eſtates, which neither individually, nor jointly had the ſmalleſt right to it, was ultimately productive of the admiſſion of the entire community (which being the moſt numerous, had, if it were conſonant to either political or common arithmetic, for one to rule abſolute over two, the greateſt right to ſupremacy) into that ſhare in the legiſlation, their conſequence as a body, forming the real ſtrength of the nation, and their rights as human beings, demanded.

The delegation of twenty-five barons to guard the general liberties from encroachment agreed on in the ſeventieth article of Magna Charta, being the firſt proof traceable in hiſtory, even of the nobles poſſeſſing any power, independent of the breath of the monarch, we may, from this æra, date the origin of parliaments according to their preſent ſyſtem. And although to this aſſembly the *beautiful* appellation of a *Corporation of Ariſtocracy* might, with ſome propriety, have been applied, we have to revere it as the parent of general liberty and freedom.

The

The body of the people, at this time, could only be divided into two claſſes; the barons and their vaſſals. To the term baron we are not to affix the meaning that is applicable to it at the preſent day, of a lord or noble created by patent, and thence claiming and poſſeſſing an hereditary right to a ſhare in the legiſlature, independent of his landed property. In the reign of king John, the landed property itſelf conſtituted the noble; and the creation of him by any other means than a territorial grant, had, perhaps, never even been thought of. Theſe grants were, in many inſtances, very extenſive, whole counties having frequently been the reward of a reputed ſignal ſervice; and though the title of earl frequently occurs, it does not appear to have given the poſſeſſor any precedence. The conſtitution, if it is not a mockery of the term to uſe it, knew them only as barons; and there was no other pre-eminence than that derived from perſonal valour or popular influence. The ſovereign himſelf, from whom thoſe grants flowed, and who, from that circumſtance, might originally have acquired the title of the fountain of all honour,

nour, appeared as acting in the capacity of a baron of a ſuperior order.

Beſides the territories diſtributed in the manner juſt deſcribed, there were many ſmall eſtates held of the crown, as all lands originally were, *in capite*; theſe were beſtowed on private perſons, and, from their difference in value, divided their poſſeſſors into two claſſes, knights * and yeomen; or what, according to our preſent definition of the term, are ſtiled freeholders. They were the immediate vaſſals of the crown, and were bound, by the tenures of their ſeveral eſtates, to fight its quarrels, and be the champions, and defenders of its deſpotiſm from the uncivil attacks, either of domeſtic ariſtocracy, or foreign ambition. They were the mercenaries, or the bravo's, in its ſuite: and the eſtate pretendedly granted as a retainer for their ſervice, againſt what were ſtiled the common enemies of the

* By an edict of Henry the Third, all perſons, poſſeſſed of lands of more than ten pounds yearly value, were compelled to receive knighthood: ſo that at this æra though the people of England may be conſidered as divided into four diſtinct claſſes, three of them had not the leaſt ſhare whatever in the legiſlature; barons, knights, petty tenants who held, *in capite*, from the crown—and laſt, not leaſt, the vaſſals of the nobles.

country,

country, was, in effect, by a high ſtroke of court policy, turned into a counterpoiſe againſt thoſe fickle and dangerous ſupporters of power, the barons. It was the intereſt of the ſovereign theſe different claſſes ſhould mutually regard each other as enemies; and the emiſſaries of deſpotiſm were ſucceſsful enough in exciting diſunion, to prevent human reaſon from forming any coalition of principles that might endanger the exiſtence of the "god of their idolatry."

The *peaceable* if not amicable ſettlement of the diſpute between the powers of monarchy and ariſtocracy, appeared to promiſe a continuance of internal peace; but the ſavour of abſolute dominion had ſo far vitiated the ſovereign's palate, that he could reliſh nothing ſhort of it. Every reſtriction on the power he had originally poſſeſſed appeared to him as a violent and unjuſt invaſion of his lawful prerogative; and he deemed himſelf rather the priſoner than the ſovereign of his people. An agreement, or a compromiſe, not reciprocally grateful to both parties, could not be expected to be faithfully kept by that, from which it appeared extorted, longer than abſolute neceſſity compelled the obſervance of it.

The infraction, therefore, of Magna Charta, by Henry the Third, was to be conſidered rather as a natural conſequence, politically ſpeaking, than a royal perjury; and the nobles, on their parts, had acquired too great a knowledge of their own ſtrength to ſuffer, tamely, ſuch a reſumption of power. The mere ſhew of reſiſtance to arbitrary meaſures was ſufficient to overturn them. The barons from the wiſh of acquiring popularity among their own vaſſals, of alienating from the monarch the attachment of the inferior tenants, who held of him, *in capite*, and at the ſame time transferring it to themſelves as a patriotic party, exacted of Henry the Third, (as one of the ſtatutes of Oxford) that three regular parliaments ſhould be held, every year, for the purpoſe of enacting ſuch wholeſome laws as ſhould appear conſiſtent with the good and welfare of the ſtate.

This event took place in the middle of the 13th century, and was the firſt ſtep towards eſtabliſhing the ſyſtem, ſince perfected by time, civil war, and the public virtue of a few individuals. As power, illegally aſſumed, frequently works its own ruin; ſo did the nobles, as they were called, from a wiſh of abridging that of monarchy,

monarchy, which was all they dreaded, unwittingly throw, at leaſt, a moiety of it, into the hands of the people, to the future deſtruction both of monarchical, and ariſtocratical deſpotiſm.

The people ſoon detected the deluſion under which the nobles endeavoured to hold them in ſubjection, it was, indeed, too glaring to paſs unnoticed: the right of the king ſunk entirely into the power of the barons; he became a mere cypher, and to be ſubject to the tyranny of one man was thought a ſtate of freedom, when compared with the multiplied dominion of twenty-four. As the nation had now been taught, both by the misfortunes of John, and his ſucceſſor, that arbitrary power was not invulnerable, it did not long continue patient under this accumulated oppreſſion; its reſpect for the doctrine of divine right, out-weighed the influence of thoſe, who had actually uſurped, and exerciſed the regal authority in its fulleſt, and moſt formidable extent. Their own inteſtine quarrels appeared to further the depoſition of thoſe ſelf-created ſovereigns. As a dernier reſort, to fan the glimmering hope of being ſtill able to maintain their own ſupremacy, by admitting

the body of the people, to a larger ſhare in the legiſlature, than they had hitherto been honoured with; their leader, in all the pride of regal authority, ſummoned, what, admitting the choice of repreſentatives to have been perfectly free from reſtraint, and undue influence, might, without any degradation of the term, be properly ſtiled a parliament: every county was empowered to elect two perſons of the rank of knights, who were, in the name of their conſtituents, to agree to, or diſſent from, every propoſition that came before them; nor was this all, every baron, to whom a charter of privileges had been granted, was inveſted with the ſame power of enjoying, by delegation, a voice in the legiſlative aſſembly; and no edict of the ſovereign, was to have the force of a law, till it had received the ſanction, and conſent of a majority of theſe delegates of the people.

Thus fell ariſtocracy, much ſooner, in all probability, than it would have done, had not its fate been accelerated by the ill-timed and extravagant ambition of its principal ſupporter. In every diſpute that has ariſen, ſince that time, between the prerogative of the crown, and the liberty of the ſubject, the noble

noble has been regarded only as a mere individual, labouring under the ſame general oppreſſion that was experienced by the moſt private perſon in the nation; the power exerciſed by the crown, even after the foundation of national liberty was laid, may, indeed, be condemned by perſons profeſſing republican principles, as arbitrary and highly inimical to general freedom: but when it is conſidered, how difficult, not to ſay impoſſible, it is, on the inſtant, to modify the powers of government, ſo that one ſhall be an exact counterpoiſe to the other, we may rather wonder, how ſo rude and uncivilized an age, as the 13th century, was capable of producing what neither ſucceſsful inſurrection, nor the free unreſtrained ſentiments of the whole nation, unfettered by royal influence, or the power of ariſtocracy, have thought proper eſſentially to alter. A few intervals excepted, a continued ſeries of civil wars diſtracted the nation for upwards of two hundred years. They were not, however, ſtruggles for liberty, nor did they originate in national grievances, but a violent contention, between two parties, which ſhould out-do the other in cruelty, and enjoy the honour of placing a

ſovereign on the throne, attainable, only, by the ſlaughter of every perſon who oppoſed him. The nobles, through the ties of conſanguinity, the hopes of private advantage, or the bias of party, choſe different ſides; and the people, drawn by their influence, were ridiculous enough to follow their example.

The nation completely ſevered into two diſtinct bodies, agreed only in one particular; the pious reſolution of deſtroying each other, rather than not appeal to the worſt of all deciſions, *the ſword*, whether Edward, Richard, or Henry, ſhould be the name of their ſovereign. During this melancholy period, murders, attainders, proſcriptions, and every horror attendant on military execution, were daily exerciſed, at the will of whichever party was uppermoſt, and the capture of a priſoner of note, was generally conſidered as only the prelude to his death on the ſcaffold; not unfrequently, without even the poor conſolation of that reſpect to the law of the country, and natural juſtice, due to every individual, and which every Engliſhman claims, however heinous his offence, of being brought to a fair, public trial, and permitted to offer, what he may think proper in his own defence, or extenuation of the

crime

crime with which he is charged; but theſe acts of violence are not to be imputed as proceeding from the tyranny of the ſovereign, or ſlavery of the ſubject, but from the mere rage of party, into which the whole people entered, with minds equally inflamed; the ſame fury which one day dictated the execution of a Yorkiſt, was, the next, from the *glorious* principle of revenge, deemed a ſufficient excuſe for the murder of a Lancaſtrian.

The exterior of a parliament now conſtitutionally divided into two diſtinct bodies, under the denomination of lords, and commons, ſanctioned every meaſure; the oppoſition to the party actually in poſſeſſion of the throne, was ſtiled, and puniſhed, as rigorouſly as a treaſon againſt a regular and firmly eſtabliſhed government would have been, and the monarch of the day was zealous in eſpouſing the cauſe, and liberty of the people, in every inſtance, where his own right of ſovereignty was not made a queſtion.

Thoſe who aſpired to, and actually poſſeſſed the crown, were not exempt from the ſame rigorous treatment, and violent deaths frequently experienced by the moſt inferior of their partizans. The life of the depoſed

monarch was held an inſurmountable bar, to the peaceable poſſeſſion of the throne by his more fortunate ſucceſſor; and the only privilege, or pre-eminence, fallen royalty could claim, was that of periſhing by the hands of the private aſſaſſin, inſtead of being diſgraced by the ſtroke of the public executioner.

The only commotions the people themſelves appeared as principals in, in vindication of their own liberties, happened rather in conſequence of local injuries, than general grievances, and too trivial to be dignified by the appellation of popular convulſions, were ſuppreſſed almoſt as ſoon as excited.

The inſurrections of Tyler and Cade appear rather as the origin of Engliſh mobs, rouſed by an accidental, or ſuppoſed injury, and encreaſing, from being held too deſpicable for ſerious attention on the part of government, till they attained an height truly formidable: than as the offſpring of any ſerious well-digeſted plan, concerted for the purpoſe of compelling a reſtoration of thoſe liberties, and privileges that had been unjuſtly uſurped, and taken away: they ſerve, however, to prove, the doctrine of general freedom, and independance, is by no means of late date; and

that

that the ſubjects of Richard the Second improving faſt in that glory of a mob, "*the levelling ſyſtem*," poſſeſſed the eſſence of every democratical principle that has been ſtarted ſince that time. The taxes complained of originated not in the edict of a monarch, but the vote of a regular parliament: any oppoſition to them, by force of arms, however oppreſſive, and unjuſt ſuch taxes might be, was rebellion againſt the ſovereignty of the nation: to petition againſt, and repreſent the hardſhip and injuſtice of the meaſure, was their natural, and conſtitutional right; but every repeal, ſuppoſing their inſurrection had been ſucceſsful, obtained by violence, and the terror of the miſchiefs they might be the authors of *, would only have effected this degene-

* The doctrine of the freedom of parliaments has frequently been inſiſted on in an extent, perſons, not admirers or zealous ſticklers for preſerving the conſtitution free and uncontaminated, may be induced to think rather petulant than patriotic. Many have refuſed to join in any queſtion, or even debate, becauſe the avenues of the houſe were occupied by an armed force, purpoſely poſted there to protect the perſons of the members from the fury of a ſavage banditti. A little reflection will, however, convince us of the danger of the precedent; and though many of the

degeneration in the conſtitution; that the people of England, ſuppoſing their number to conſiſt of three millions of perſons, would have held their liberties, and every ſecurity of perſonal property and ſafety, at the pleaſure and diſpoſal of an hundred thouſand armed ruffians, inſtead of thoſe whom that people had voluntarily choſen to act, in their name, as repreſentatives of the community at large.

A redreſs of grievances can never be conſtitutionally obtained by force: to remedy one evil, a greater muſt be ſubmitted to.

The compact between the executive, the legiſlative, and conſtituent powers, being once broken *, as it would be by ſuch an act, every

riots, and treaſonable harangues of the eighteenth century may, through the ſtrange depravity of the hiſtorian, and other cauſes, be converted into acts of patriotiſm and public virtue by ſucceeding ages, let them not have reaſon to cenſure the preſent, for having entailed upon them a condition, leſs free than was tranſmitted to it by its predeceſſor.

* A portion of the conſtituent power can no more compel the repeal of a meaſure obnoxious to it, than the executive can controul the conduct of the legiſlative. As in a machine compoſed of two wheels and a pendulum; if either is diſplaced, the effect muſt of neceſſity ceaſe. The conſtituent power is the pendulum that furniſhes

every legal tie between the parties becomes void, the power reverts to the fountain from whence it ſprang, and, like the forfeiture of an eſtate, nothing can ſecure the title but a freſh grant.

To paſs over the diſputes between what are called the houſes of York and Lancaſter*, the murders, the abdications, the depoſitions,

furniſhes motion to the machine of government; the executive and legiſlative power are the wheels that regulate, and render that motion equal; by the combination and harmony of all three, the deſign of the inventor becomes perfect. The pendulum, which is the firſt cauſe, may certainly continue in motion for a time without the aid of the wheels, though without the leaſt energy or effect as to the production of the original intent; but without the aſſiſtance of that firſt cauſe, the motion of the wheels cannot continue for an inſtant.

* Theſe were introductive of a monarchical power, as abſolute for the time as any the kingdom had ever experienced ſince the reign of William the Norman. Henry the Fourth had the inſolence to profeſs holding his crown by the right of conqueſt; and more patriotiſm, than factious turbulence may probably be, with juſtice, attributed to the various inſurrections raiſed againſt "*him.*" The right of the people to any ſhare in the government of themſelves, appears to have been nearly loſt during his reign.

and

and the uſurpations they gave birth to, (*for during that period we can meet with no tranſaction that ſhould be quoted as a precedent, or urged as a proof of rights*) and turn our eyes to what forms a principal epoch in our hiſtory. The battle of Boſworth. The civil commotions that had ſo long diſtracted the kingdom, were, indeed, decided by this event. But the claim of Henry to the crown, abſtracted from that of conqueſt, was, perhaps, the moſt extraordinary ever made on a ſimilar occaſion, a deſcent in the third degree from a very private ſubject, with whom Catherine of France, widow of Henry the Fifth, (the ſon of a monarch who had acquired the crown by uſurpation, to the excluſion of the elder branch) after the deceaſe of Henry, intermarried, conſtituted the royalty of his male line. His mother, indeed, was deſcended from John of Gaunt, third ſon of Edward the Third. But ſuch deſcent originating in adultery, could tend very little towards the improvement of his pedigree.

The original right ſet up by the houſe of Lancaſter, was founded in uſurpation and murder; and a claim ſpringing out of that right,

right, deduced from a baſtard ſlip, legitimated by the *omnipotence* of a parliament, at this time totally ſubſervient to the crown, muſt certainly be admitted as derogatory to the doctrine and dignity of divine, as well as natural right. The houſe of March had at leaſt primogeniture to plead, and was not extinct at the time of Richard's death. And there were many legitimate deſcendants of John of Gaunt, no farther removed from the original ſtock than Henry himſelf was, ſuppoſing him to ſtand in the ſame line of honour with them. The affectation of a natural and juſt title to the crown was certainly more ridiculous, if poſſible, than one derived from a teſtamentary bequeſt: and neither his own claim to royalty, nor his marriage with Elizabeth, would, in all probability, have proved ſufficient to ſecure to him poſſeſſion of the throne, had not the horrors of civil war, which had ſo long diſtracted the nation, diverted the minds of the people from a diſcuſſion of his right, and aided that policy which furthered the peaceable enjoyment of what he had, as it were, miraculouſly obtained. The circumſtances under which the two Henrys, the Fourth and Seventh, attained

tained the throne, may be taken, in many inſtances, as ſtrictly parallel.

Tudor was as much an uſurper, as the prince whom he had diſplaced, or as Bolingbroke himſelf. But as popular prejudice had affixed a degree of odium on the character of the third Richard, which the ſecond of that name had not been ſanguinary enough to acquire, what was conſtrued in the one inſtance into a demonſtration of providential juſtice, and divine vengeance, was in the other regarded with an eye of pity, and condemned as the traitorous, and inhuman act of a tyrant and a rebel. The mode of their deaths was, indeed, totally diſſimilar; the antagoniſt of Henry the Seventh, loſt his life fairly in the field, in the perſonal defence of that crown he had purchaſed at an expence of ſo much noble blood. Richard the Second fell by the murderous hand of an aſſaſſin, after all the little tumult occaſioned by his depoſition had totally ſubſided; ſo far was the fate of one calculated to excite compaſſion: the other, joy. In fine, one Henry was ſtigmatized as an uſurper, the other hailed as a deliverer. Though the people were, in both inſtances, the immediate inſtruments of their exalta-

tion,

tion *. The conduct of theſe two princes, and their treatment of thoſe who had aſſiſted them in their extremity, was widely different. The violent Bolingbroke inſiſted on his acquiſition as flowing from conqueſt; while the more wary, and politic Tudor produced his pedigree, and what he called the free choice of the people. Cautious as William the Norman, he wiſhed rather to wheedle the people into ſubmiſſion, than be compelled to exact it from them by force; and though his aſſuming the crown on the bare vote, and paltry congratulation of the petty army raiſed

* The uſurpation of Bolingbroke, the diviſions and civil wars conſequent to it, and the final concluſion of them by the battle of Boſworth, were all the effect of national party; and neither of the Henrys could, with propriety, be ſaid to reign by virtue of conqueſt, unleſs the ſoleciſm is admitted of a nation's being capable of conquering itſelf. To define the matter properly, half of the people aided the ambitious deſigns of an individual, who pretended himſelf their champion. To get rid of an imaginary, or at moſt a temporary evil, they incurred a real one. They enabled the pretended champion of their liberties to acquire an abſolute dominion over them; and rather choſe their own future ſlavery under the prince they eſpouſed, than continue their allegiance to one they had conceived a diſlike to.—*Ruat juſtitia fiat cælum.*

by

by his own intereſt, and that of his friends and partiſans, for the expreſs purpoſe of placing him on the throne, and then convening a parliament to legalize his haſty election, by a ſolemn act and decree, "that the inheritance of the crown ſhould reſt, remain, and abide in the king, and the heirs of his body perpetually, ſo to endure, and in none other," may rather reſemble the character of a ſturdy mendicant, who aſks your charity, for the love of God, with a piſtol preſented to your breaſt, than that of a noble minded prince, who would, according to the popular phraſe, wiſh only to reign in the hearts of his people, and live ſolely for their good. Yet flimſy as the deluſion was, the nation wiſhed to accept the poor tribute he pretended to pay its conſequence, rather than reduce him to a neceſſity that might be ſo fatal to it, of defending by force, and the aſſiſtance of a mercenary ſoldiery, the dignity he had acquired by accident and chicane.

All events that throw the ſovereign power out of its natural channel, may be conſidered as ſo many periods in hiſtory, that required particular inveſtigation: in this light we are to regard the invaſion and victory of William the

Norman;

Norman; the pretended election to it of Henry the Firſt, in excluſion of his elder brother Robert; that of Stephen* to the diſheriſon of the natural heir, *the empreſs Matilda*, and the ſeizure of the crown by John; under the viſionary title granted to him by the will of his brother, in excluſion of the legal claimant, according to the common law of deſcent, *his nephew Arthur*.

The claim of the firſt William, and the privileges the ſubject enjoyed under his government, have been ſufficiently explained already. Nothing can be more conciſe than a charter of liberties held under an abſolute monarch. If one man is put to death without the formality of a trial; if another is diſpoſſeſſed of his eſtate by a warrant from the ſovereign; if a third is committed to priſon by the ſame authority, without any charge or crime ſuggeſted againſt him; theſe ſeveral

* The advancement of Stephen to the throne bears much ſtronger marks of the ſovereignty of the nation, at leaſt of that part of it which held their fellow ſubjects in the moſt abſolute ſtate of vaſſalage, than had at that time ever appeared ſince the conqueſt. Admitting the barons to be the repreſentatives of the people, Stephen might properly be ſaid to be the monarch of their choice.

acts,

acts, which to any plain common underſtanding appear tyrannical, and too offenſive for human reaſon to endure with patience, are explained by the monarchiſt, and rendered, if not palatable, irremediable * by the uſe of the ſimple and convenient term *prerogative*. It cannot be expected that a people thoroughly ſubdued, and (however an affected philanthropy may endeavour to ſoften off the diſgrace) ſubject to a dominion founded entirely on conqueſt, ſhould at once become free without that violent kind of complete, and general convulſion of the whole body, which, if ſucceſsful, is ſtiled a revolution; if the contrary, a rebellion. This not proving to be the caſe, (inaſmuch as notwithſtanding every individual of a ſociety may ſeparately think himſelf aggrieved, it is ſomewhat difficult for that ſociety to agree collectively, either as to the extent of the redreſs required, or the mode of obtaining it) the emerſion from ſlavery was but ſlow.

* At the ſame time a people is reminded of their own inability of ſucceſsful oppoſition to a force that bids defiance to their ineffectual ſtruggles, they ſhould be taught the doctrines of paſſive obedience and non-reſiſtance, as acts of neceſſity as well as conſcience.

Henry

Henry the Firſt, from a political regard to his own quiet, and intereſt, taught them firſt to feel a ſmall portion of their weight in the ſcale of human beings. The mockery of a parliament, which had exiſted only in the term ſince the conqueſt, began under the adminiſtration of John, ſo fatal to its own greatneſs (if deſpotiſm and greatneſs are ſynonimous terms) to aſſume ſomewhat more the appearance of a reality, and the reign of Henry the Third *laid* the foundation of that ſuperſtructure, which the ſpirit of ſucceeding ages have ſince completed *.

It

* All dominion not abſolutely founded in conqueſt, muſt be conſidered as flowing voluntarily from the people. To this dogma it may be thus democratically objected: will it be allowed that any body of men, poſſeſſing their ſound ſenſes, will offer up their liberties, and even their lives, to be held at the pleaſure of one perſon, whom they call their king, merely for his gratification, and without any other advantage to themſelves than the *glory* of being governed by him. However free choice may be held forth to gild the bitter pill of obedience: bondage, the reſult of conqueſt, combines and keeps it together. To this may be rejoined, that perſons living under the ſevereſt deſpotiſm, are not always ſo ſenſible of its terrors as thoſe who only behold them at a diſtance. A Turk deems it the higheſt glory to yield his

It is worth obſerving, that no advantage ever was taken of the neceſſities of the perſon who aimed at the ſovereignty; no compact was ever entered into between the people and the prince; no previous bargain, or demand of liberties, and immunities greater than they had before poſſeſſed, ever was the price of their aſſiſtance.

The earls of Northumberland, and Worceſter, with ſixty thouſand followers at their heels, diſplaced Richard becauſe he was tyrannical, and exacted not from Bolingbroke, whom they were the immediate, and only means of exalting to the throne, the ſmalleſt aſſurance that he would govern them with leſs rigour.

neck to the bow-ſtring, merely becauſe his ſovereign wills it: this is a degree of apathy we have no idea of at the preſent day. Our anceſtors, perhaps, were enthuſiaſtic enough to offer at the ſhrine of royalty a conſiderably larger portion of their liberties than it would have been very well contented with, had ſuch been the general voice. This may ſerve to account for the apparent ſupineneſs of the people, in not propoſing to the ſovereign, terms more advantageous to themſelves, whenever the power reverted into their own hands, as a conſciouſneſs of that power induced the ſovereign to make a pretended merit with himſelf of receiving, as a gift, what he dared not inſiſt on as a right.

The

The people reſorted to the ſtandard of Henry Tudor, not from any apparent hope of rendering their general liberties more ſecure, but from the ſingle wiſh of putting an end to the reign of Richard Plantagenet. Although the nation, before the concluſion of the fifteenth century, had acquired every exterior of a free government, and nothing but an abridgement of what was called the prerogative, (in particular caſes, where it aſſumed an unjuſt right of encroaching on the liberty of the ſubject,) was neceſſary to render it, in reality, what it boaſted of being in appearance: yet theſe favourable defalcations of deſpotiſm were not effected at ſuch periods as the people were naturally beſt entitled to them, but were the conſequence either of the fears of the monarch for the ſafety of his throne, his wiſh of avoiding even the ſhadow of a tumult that might endanger it, or the groans of ſlavery, excited after the ſovereign was peaceably admitted into poſſeſſion of his royal eſtate, and not before the actual livery, and ſeiſin had taken place. But to return to the battle of Boſworth. Henry Tudor, as it has been already remarked, having almoſt miraculouſly become maſter of the

kingdom, was happy in embracing the partial countenance, and vote of his own partizans, as the concurring voice of the whole kingdom. The people, either unconcerned for their own fate, or hoping that the deficiency of right might be recompenſed by the abolition of arbitrary rule, tacitly conſented, and the claim of election became united with the right of deſcent, marriage, and conqueſt. Henry had acquired the character of a conſummate politician; even the moſt trivial actions of his life were conſtrued into deliberate ſteps of judgment, and penetration. Whether the character thus imputed to him was true, or falſe, it was of notable ſervice to him; the nation was induced to conſider every thing he did, as founded in propriety, becauſe the veneration in which it held his abilities would not ſuffer it to conſider him as liable to political error. Thus much, indeed, may be urged in ſupport of the general opinion. He contrived, by a variety of ſtratagems, to quiet the minds of thoſe who, being ever ſteady adherents to the houſe of York, were moſt likely to obſtruct his advancement. By a plauſible coalition, and pretended union of ſentiments, he converted

probable

probable enemies, into certain friends; and though he really adopted no meaſure that might bring his own particular claim of deſcent, and conqueſt into contempt, he affected to inſiſt on that leaſt, which might, in caſe of oppoſition, have ſupported him moſt, becauſe he thought it obnoxious to the general ſentiments of the people. By cauſing himſelf to be crowned previous to the meeting of the parliament, he impreſſed an idea, that he aſcended the throne by a natural, and not an aſſumed right, independent of the parliament, and the nation. By convening that parliament, he acknowledged the ſovereignty of the nation, and totally obviated any fears that might ariſe of his ever profeſſing to hold his ſceptre as the offspring of conqueſt. If we enquire into the power actually exerciſed by the parliament, it will be found nothing ſuperior to that of all thoſe which had preceded it. The people had the reputation of being free, they poſſeſſed the privilege of ſelecting, from among themſelves, perſons who ſhould preſcribe ſuch laws as the monarch ſhould only conſent to, and ſee carried into execution. But they were ſatisfied with the mere privilege, and bare aſſertion of the right, without

rigidly enforcing, or deriving thoſe advantages which naturally flow from it. Like a reſerved rent of a pepper-corn, contrived not for its intrinſic worth, but for the purpoſe of preventing cavil, as to the title of the original lord, the name, and formality of a parliament ſerved more to declare what the rights of the people would be, whenever they thought proper to claim them, than any real ſervice it rendered general freedom. The monarch dictated, the parliament approved, and the nation was CONTENT. In one inſtance alone it even appeared ſtrenuous in aſſerting its own conſequence. The pecuniary aids granted to the ſovereign, for the ſupport of the army and other ſervices of what is called government, always originated with the delegates of the people.

Any mode of collecting money from the ſubject, unauthoriſed by a parliamentary vote, however it might be attempted to qualify, and render ſuch collection palatable, under the convenient, and plauſible terms of benevolencies, and free gifts, was deemed, in the higheſt degree, arbitrary, and illegal; to refuſe payment, was eſteemed the natural, and inherent right of the ſubject; and the term

rebellion

rebellion loſt its force, when applied to any oppoſition to this ſpecies of regal mandate.

The extortion of Wolſey, as an inſtrument, under the pretended ſanction of the royal prerogative, and that of Charles the Firſt, as principal under his own authority, loſt one his power, the other his life. Though Henry the Seventh was, in effect, as rapacious, and, to ſpeak conſcientiouſly, as arbitrary in his levies as his moſt deſpotic predeceſſors had been, yet the proof of that outrage, although it might be ſufficient to convince the warmeſt advocates for him, of the baſeneſs of their cauſe, is not ſuch, as can be legally adduced in evidence againſt him. Every tranſaction excited by his avaricious diſpoſition, though it might cheriſh the ſecret murmurs of his people, had never dignity of deſpotiſm ſufficient to juſtify a public clamour. Under the ſanction of law he pillaged the coffers of his ſubjects, who, conſcious of their own delinquency, and offence againſt the general peace, and tranquility, were glad to compound for their perſonal ſafety, by ſubmitting patiently to ſuch arbitrary fine as their monarch thought proper to impoſe. But there is a manifeſt difference between a

general levy and a partial exaction: the apparent equity of the one is compelled to yield to the ſtubbornneſs of the law, while, in the latter inſtance, a branch of that very law is made a ſpecious inſtrument to annihilate every principle of equity, and erect deſpotiſm on its ruins. Thus have fines, benevolences, free gifts, and ſhip money, differing from each other only in terms, filled the coffers of the ſovereign, or been the inſtrument and cauſe of his ruin, according to the different modifications and circumſtances under which they were proclaimed to the people, or the temper they were in, at the hour of their production.

There are many deductions from hiſtorical facts that ſufficiently evince the power acquired by the nation, previous to the reformation. Henry the Eighth was as arbitrary in his principles and diſpoſition as John, or Henry the Third, and as ſavage in his manners as Bolingbroke, or Kouli Khan; under a prince poſſeſſed of ſo happy an aſſemblage of ill qualities, the community would have had every miſchief to fear that could poſſibly have befallen them under the tyranny of Phalaris. But it had, as it were mechanically, become

come poſſeſſed of ſtrength, in great meaſure ſufficient, to counterpoiſe the natural inclination of their prince, deficient as he was in courage to exert it. The Houſe of Commons now aſſumed a right of remonſtrating with the ſovereign on ſubjects of mere policy, and a private member * had patriotic ſpirit enough to ſtand forth ſingly as the adviſer of his compeers, to interfere as a body in a buſineſs, rather of a private nature, and which might appear to concern the king perſonally only, becauſe the intereſts of his country might, poſſibly at a future day, be connected with it. It is not an anſwer favourable to the cauſe, and omnipotence of deſpotiſm, to ſay ſuch remonſtrances were ill received by the perſonage to whom they were addreſſed. The mere act of interference proves the conſequence of the parliament; the patience with which royalty bore it, in contenting itſelf with a ſingle reprimand, accompanied too with what may very properly be deemed an apology for its conduct, ſufficiently eſtabliſhes the degradation it had

* Temſe, who moved, that the Houſe of Commons ſhould addreſs the king to take his queen again, whom he had cauſed to be divorced from him.

ſuffered

ſuffered ſince thoſe days, when the ſmalleſt oppoſition to it was conſtrued into treaſon, and rebellion. The part in the reformation voluntarily allotted by Henry * to the Houſe of Commons, is a further evidence of the idea he himſelf entertained of their dignity and power: inveloped in romantic notions of his own majeſty, and divine right, he never would have condeſcended to humble himſelf ſo much, in the eyes of his ſubjects, as to aſk their acquieſcence, and aſſiſtance, had he deemed the ſanction of prerogative competent to ſuch an alteration. The foundation of the reformation was accordingly regularly, and conſtitutionally laid, by various acts of parliament, ere Henry ventured forth with his fulminating proclamation againſt the authority of the Pope; all the pre-eminence the executive power can claim over the legiſlative, is, that it was probably the *firſt* mover in a tranſaction that met the wiſhes, of, at leaſt a majority of, the people †, it is not

* By deſiring they would take proper meaſures, that the power of the Pope ſhould no longer abridge that of the crown.

† The concurrence of the parliament, to the ſuppreſſion of monaſteries, was actually pleaded by Henry, in the

not material to the point in iſſue, whether Henry's motives originated, in malice or principle, love of revenge, or ſcruples of conſcience. It cannot be ſaid that parliament *only* ſeconded the wiſhes of their prince, from a regard to their own *peace*, or *perſonal ſafety*, and that they might, according to the common phraſe, keep him in temper; for the reformation, even during his reign, certainly attained a much greater length than Henry originally intended, and, in conſequence, the parliament claim the glory of perfecting a ſcheme the ſovereign only projected, and that too on a very narrow ſcale. The act empowering the king to ſettle the ſucceſſion to the throne *, is another inſtance of its conſequence.

the manifeſto publiſhed by him, at the time of Mackerell's rebellion. He ſet forth, that ſuch ſteps were in conſequence of the joint vote, and concurrence of the nobles, ſpiritual, and temporal of his realm, and of all the commons of the ſame; and not proceeding from the mere inſtigation of any counſellors of his, upon their mere will, and fancy.

* As well as the one ſettling the title, and empowering Henry to aſſume that of ſupreme head of the church. Many of his predeceſſors would have diſdained to accept any title a parliament could beſtow. The act, curtailing the

ſequence. It had frequently occurred ſince Britain firſt knew kings, that the ſucceſſion was arranged by the mere fiat of the ſovereign; and though the tenor of the act may be adduced as an evidence of the obſequiouſneſs of that parliament, the ſubject of it is a certain acknowledgment of the omnipotence of it. The number of perſons put to death (not without the marks of the moſt barbarous cruelty) at the time of the reformation, and after it had actually taken place, have been, by ſome perſons (either wilfully uninformed of the hiſtory of the time, or warped into a belief of what appeared beſt to ſuit their own inclinations) to the natural cruelty and deſpotiſm of Henry, and that only; this is far from being the fact; the authority under which ſo many bloody executions took place, was derived from an act of parliament regularly paſſed in the year 1539, for aboliſhing diverſity of opinions in certain articles concerning the Chriſtian religion, and from the number of unhappy perſons who fell victims

the miſchiefs occaſioned by the bloody ſtatute, is a yet ſtronger proof of parliamentary power: Henry's heart was not yet ſo alienated from the catholic cauſe that we ſhould ſuppoſe him to have been a favourer of it.

to

to it, generally diſtinguiſhed by the name of the Bloody Statute. It was the expiring effort of the Catholic party, to prevent, if poſſible, the total abolition of their ancient mode of worſhip. Henry was, undoubtedly, in his heart, as zealous a Catholic as ever profeſſed to be one. Every ſtep he took, every alteration he promoted, originated in a wiſh, not of annihilating the doctrine of the church of Rome, but of puniſhing the Pope for having dared to oppoſe his inclinations. Is it then to be wondered at? that the executive power ſhould uſe ſuch inſtruments as the legiſlative thought proper to put into her hands, when thoſe very inſtruments appeared ſo perfectly to favour her wiſhes and deſigns. It were, perhaps, hardly poſſible to point out a ſingle inſtance of an execution's having taken place during his reign, without at leaſt an apparent ſanction, derived either from the common, or ſtatute law of the realm *, and not

* The duke of Norfolk's attainder, and Surrey's execution, were conducted on legal principles, however frivolous and paltry the charge againſt them might be. Had the conſtitutional power of the ſubject been leſs, or worſe underſtood, the formality either of a trial, or attainder,

not, as was wont to be the practice, the bare dictum of the ſovereign. That the law text might frequently be twiſted into ſuch a form as would beſt ſuit the purpoſe of the prince, cannot perhaps be denied. We have examples, from the hiſtory of every country, under every varied form of government, even in ſuch nations as enjoy freedom in its moſt liberal ſenſe (if ſuch country exiſts) that the ſtubbornneſs of the law is compelled, by the ſophiſtry of its expounders, to give way to what is called equity, and when that is inſufficient to anſwer the purpoſe, they are both compelled to yield to the unanſwerable argument, ſtate neceſſity (if it can be defined what that is). Henry, however furious in his temper, was naturally timid. His diſavowal of being privy to Wolſey's extortion, though ſuch diſavowal was certainly at the expence of truth; his humble peace-making manifeſto, at the time of Mackerell's rebellion, and the very terms of the reprimand, and declaration that accompanied it, given to the ſpeaker of the Houſe of Commons, on Temſe's motion, are

tainder, had been as unneceſſary as it was in the caſe of Haſtings, or Buckingham, in the reign of Richard the Third.

evident proofs of it. If the parliament, therefore, had poſſeſſed integrity, patriotic ſpirit, and firmneſs, to have reſiſted the wiſhes of the prince *, in ſuch inſtances as they were thought to claſh with the intereſts, and liberties of the people, a doubt cannot be entertained but the royal prerogative and authority would have ſhrunk from the rude graſp of popular reſiſtance. Corruption is a political invention of much later date, *in this country*, and poor as the excuſe may be, that ſpecies of national depravity is not to be pleaded in extenuation of the parliamentary obedience. So that let the diſgrace of at leaſt VOLUNTARILY encouraging and abetting deſpotiſm, be fully charged to the account of thoſe to whom it with propriety belongs,

* How contradictory does the conduct of parliament appear; one day aſſuming the privilege almoſt of dictating to the ſovereign, the next, blindly ſubmitting to, and even promoting whatever was thought pleaſing to him. But this, perhaps, will ever be the caſe in all bodies formed of perſons, whoſe private views influence their public acts. Such contrariety of behaviour makes no alteration in the power eſſentially poſſeſſed, any more than the circumſtance of a judge pardoning one criminal can be adduced as an argument againſt his poſſeſſing the power of condemning another.

and

and not the deſpotiſm itſelf, to the influence and daring ſpirit of an individual, though a prince, who poſſeſſed neither, and who never pretended to that degree of courage eſſentially neceſſary to conſtitute a tyrant. The reign of Edward the Sixth cannot, with ſtrict propriety, be taken into the preſent diſquiſition. The youth of the ſovereign rendering him incapable of conceiving any meaſure inimical to general freedom, even had ſuch been his inclination, which, (if we may judge from the general conduct of a perſonage of ſuch tender years) it is very evident it was not. During this ſhort period we muſt, as far as the prerogative or privilege of the executive power extended, eraſe the term monarchy, and ſubſtitute ariſtocracy in its ſtead. Notwithſtanding the alteration of terms (in which alone conſiſted that of the government, the form remaining in every other reſpect ſtill the ſame) the people continued to preſerve that degree of conſequence they had attained to in the preceding reign; and the conſtitution, generally ſpeaking, experienced, perhaps, fewer acts of violence than it ever had before, during a like ſpace of time. The teſtamentary bequeſt of the crown, by

Edward,

Edward, in direct violation of a ſettlement, legalized by a poſitive act of parliament, is, indeed, to be excepted. The outrage was ſo groſs as to render any comment on it unneceſſary; and the offence carried with it its own puniſhment, the people preferring a ſettlement, virtually made by the nation itſelf, though operating to the exaltation of a queen, generally odious to them, rather than ſubmit to the arbitrary transfer, for which their conſent had never been aſked: notwithſtanding the exchange was in favour of a perſonage as univerſally beloved, as her rival was deteſted, and known to be as amiable in her manners, as ſhe was unfortunate in her elevation. The tragical events that took place, during the reign of Mary, are to be rejected as affording any proof of mere monarchical tyranny; that they have hitherto too frequently been placed to that account, is imputable to the error of thoſe who would rather hazard a charge at ſight, than be at the trouble of inveſtigating firſt cauſes. Mary was, confeſſedly, placed on the throne by the people: for, notwithſtanding the illegality of the meaſure, there certainly were pretences in the title of lady Jane, at leaſt ſpecious

enough to have quieted the qualms of falſe allegiance in perſons not predetermined to ſcrutinize a right ſtrictly. The hand of Providence appeared ſtretched forth to reſcue them from the *tyranny* with which they were threatened; and the national firmneſs of a moment would have totally overturned the advances of bigotry and miſtaken loyalty. The buſineſs took another turn; the people of England, like thoſe of Sechem of old, inſtead of the olive, elected the bramble, from whence it was decreed fire ſhould come forth, and conſume all who put their truſt in its ſhadow. To define, with impartiality, the power that protected the barbarities in queſtion, (however ſuch definition may be ſtrictly conſonant to truth, and candour,) will probably, redound but little to the general credit of the nation: we muſt conſider it as rent into two diſtinct parties, as violent againſt each other as a difference in religious principles could poſſibly render them.

The friends of the ancient religion, ſmarting under the wounds it had received during the preceding reigns, and regarding the reformers as upſtart innovators, who would

would be content with nothing leſs than their ruin. The reformers themſelves, though leſs violent in their meaſures, and leſs cruel in the endeavours to propagate their principles, ſtraining every nerve to maintain the advantage they had gained over their opponents. On the deceaſe of Edward, (who having been educated in oppoſite principles, was a grand barrier to the reinſtatement of the Catholic religion,) the favourers of it turned their eyes, as a natural conſequence, to the princeſs, legally, next in ſucceſſion. As a party they were in authority, and, perhaps, numbers the moſt powerful. The principles of the perſonage, whom they choſe for their ſovereign, being perfectly congenial to their own, the additional weight of her influence, thrown into the ſcale, became too great for reſiſtance. When ſeated on the throne, the remembrance of the inſults ſhe had perſonally received formerly from a part of her newly-acquired ſubjects, and her over-heated zeal for the tenets ſhe had been taught to profeſs, could not be effaced, or moderated by the unanimity which almoſt univerſally prevailed at the hour of her exaltation; the acquieſcence of the reformers themſelves, who

vainly hoped their moderation might inſpire the queen with the ſame ſentiments, was not ſufficient to obliterate that ſpirit of revenge ſhe had ſo ſtrongly imbibed. The perſecutions, and tyrannies, therefore, exerciſed under her auſpices, are thoſe of one party, inflamed, to the higheſt degree of inhumanity, againſt the other, encouraged, and abetted, indeed, by the firſt perſonage in the realm, but not the mere arbitrary act of the ſovereign alone. Independent of that party, ſhe would not have dared to light the faggot, or been weak enough even to have produced it. The reign of Elizabeth opens to us a new ſcene; a variety of circumſtances concurred to render her the idol of the people; to a ſtudied affability, ſhe joined a love, either real, or pretended, for her ſubjects; and a degree of reſpect for the law, and general liberties, no former monarch had ever flattered them with. Whether ſhe conſidered hypocriſy as at leaſt a venial ſin in a ſovereign, or actually was patriotic enough to be directed by principle alone, is a queſtion aſſuredly not worth diſcuſſing, as it probably could never be decided with any degree of certainty. Suffice it to ſay, her *eternal* conduct, without

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any enquiry into cauſes, or motives, completely anſwered her purpoſe; and, added to her youth, her ſex, a certain degree of beauty ſhe was eſteemed to poſſeſs; with a portion of courage, reſolution, and magnanimity, rarely diſcovered in woman, rendered the nation, as it were, unanimous in thinking her ſuperior to man; and, far as the charge may be made, without incurring the imputation of blaſphemy, little inferior to divinity itſelf. Partiality, and affection, when carried to ſuch an height, may, by the intrigues of ambitious perſons, be rendered highly ſerviceable to deſpotiſm. But this was not to be feared under the influence of two ſuch miniſters as Bacon, and Cecil. Extenſion of the prerogative, (though excuſes, plauſible enough, might have been framed for the purpoſe,) was never even attempted; neither benevolences, free-gifts, nor pretended dangers of the ſtate, were ever brought forward as inſtruments of public extortion: on the contrary, by prudence and attention, hitherto unexampled, and totally unexpected by the nation; that rigid œconomy was uſed in the diſtribution of the revenue, regularly, and voluntarily granted by parliament; that on its being ultimately found

more than ſufficient to anſwer the immediate exigencies of government, a remiſſion in part was more than once made by the executive power, of what the legiſlative had too munificently granted. Contrary alſo to the eſtabliſhed maxim of former princes, "that treaſon "and inſurrection, being as dangerous to the "general welfare of the ſtate as they were to "their own perſonal ſafety, were, conſequently, "crimes of a nature not to be forgiven." Elizabeth firſt diſſolved the union, politically contrived by her predeceſſors, to ſhield from odium princely cruelty, when exerciſed in the vindictive puniſhment of thoſe true patriots, who entertained no deſign of *ſubverting the legal form of government*, and bore no animoſity to any thing but the *perſon* of their deſpotic ſovereign. She pardoned the aſſaſſin of her perſon*; and conſigned the enemies

* The perſon who firing a piſtol at the queen, while in her barge near Greenwich, wounded one of the bargemen. That Elizabeth was not of a ſanguinary diſpoſition, may be fairly inferred from the number of perſons of rank, who, after having been convicted of conſpiring and plotting the deſtruction of the queen, experienced her clemency. Arthur Pole, great grandſon to the duke of Clarence, Sir Anthony Forteſcue, the earl of Southampton, and many others.

of

of the ſtate to the puniſhment fairly inflicted by the law *. The ſtile of her meſſages, and anſwers to parliament, may, probably, be thought ſtately at the preſent hour; but let it be conſidered, the days were then but young ſince it had the cuſtom (which is difficult to be ſuddenly overcome) of the ſovereign to dictate rather than remonſtrate, or excuſe. The ſettlement of the ſucceſſion, in conformity to her will, appears rather as a fulſome compliment, unneceſſarily paid her, than any acknowledgment of right on the part of the ſubject, or deſpotic attempt on that of the ſovereign. In ſhort, as ſhe profeſſed to reign only in the hearts of the people, ſhe died (without ſtraining any compliment to her) leaving, *in this reſpect*, no proof of her being an hypocrite, or a diſſembler.

* The duke of Norfolk, the earl of Eſſex. That of the queen of Scots, is totally irrelative to the diſcuſſion we are attempting. It might be illegal or otherwiſe. Let the lawyers decide. It may be juſtifiable on no other ground than the pretended one of ſtate neceſſity, and ſelf-preſervation; or it may be condemned on every ground of juſtice, equity, or humanity. Let, however, the public opinion of it be what it may, the fact itſelf nothing regards the liberty of the people of England.

The death of Elizabeth putting an end to the right line of deſcent, recourſe was to be had to the next perſonage in ſucceſſion, with reſpect to conſanguinity; this was James the Sixth, at that time king of Scotland. He was the great grandſon of Margaret, eldeſt daughter of Henry the Seventh; and, conſequently, claimed, under the act of parliament paſſed in the beginning of that reign, for the purpoſe of ſecuring the poſſeſſion of the crown to the Houſe of Tudor and its deſcendants. He aſcended the throne in virtue of that ſettlement: and it was ridiculous in the extreme to ſet up hereditary right, or the will of the deceaſed queen, as an additional ſupport of his pretenſions. It might (but for events that have ſince taken place) probably have been quoted, at a remote period, as a precedent for an act highly injurious to the rights and liberties of the people. So circumſpect and cautious ought to have been thoſe perſons, who made the experiment how far the vanity of expiring loyalty would extend, leſt what they intended only as an act of flattery (and highly to be condemned, were it on no other ground) ſhould hereafter have been converted, by the ſophiſtry of argument, into a ſurrender of

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what they ſhould have eſteemed their deareſt birthright.

The principles in which this new king had been educated, being different from the eſtabliſhed maxims of the Engliſh government, did not appear to forebode much happineſs to the people. He entertained, in the firſt inſtance, a much higher notion of the extent of the royal prerogative, than his new ſubjects would think proper to allow; of this he gave an extraordinary proof, in ordering the execution of a thief, from his own authority, without the leaſt formality of trial, though he was at that time only on his journey to the metropolis of his new kingdom. An act ſo arbitrary, ſo contrary to the known privileges of the people, could not fail to inſpire them with diſguſt; and this had, probably, ripened into a more dangerous ferment, had not the prudent repreſentations of thoſe *honoured* with his confidence, prevented the repetition of what might have overturned his throne, ere he had been formally ſeated in it. He was, in his nature, and inclination, as violent a deſpot as ever had diſgraced the title of king. The flattery of his creatures contributed, hourly, to cheriſh his dangerous principles; and nothing

thing but fear, and the conſequence of the people, prevented the execution of them in their fulleſt extent. The condemnation and deaths of Valentine Thomas, Sir Walter Raleigh, with many others, are evident proofs of his arbitrary diſpoſition. The little reſentment ſhewn, on thoſe occaſions, by the nation, can only be accounted for, by ſuppoſing the private characters, and conditions of the injured, were not ſufficiently conſequential to awaken the dignity of *public* vengeance; and that the belief of the *real exiſtence* of thoſe crimes, which (however unfairly and illegally the ſeveral trials might be conducted) they ſtood convicted of, rather *averted* any commotion till ſome more violent ſtretch and abuſe of the royal privileges, and authority ſhould manifeſt themſelves.

The ſpeech made by the king to his firſt parliament, is conceived in all the pride of majeſty, debauched by romantic ideas of divine, and hereditary right: as he affected to hold his crown from the predeſtined will of Providence, and totally independent of the wiſhes, or conſent of the people, ſo muſt he have experienced the higheſt mortification, in finding his favourite doctrine exploded, and ridiculed,

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as it virtually was, by the very firſt parliamentary act, which was that for *recogniſing the title of the king*, and was what he himſelf affected to treat as frivolous, and unneceſſary. However weak James might be to contemn the power of the people at large, their delegates had virtue, joined with public ſpirit, to aſſert their own omnipotence; and he was compelled to endure the affront with patience.

The interference of the ſovereign, in an election buſineſs in the Houſe of Commons, and the reſiſtance of that Houſe to the royal will, and mandate, was of a nature calculated to alarm both parties equally: the delegates of the people were convinced no attempt would be left untried by the monarch, to encroach on their liberty; the monarch might alſo have been convinced no ſuch encroachment would tamely be permitted.

Baffled, but not reclaimed, the next ſtep of the king was to patroniſe two infamous books, written in favour of his tenets, by Cowel and Blackwood: here, again, he met with a rebuff, and nothing but a palliating manœuvre of a proclamation, forbidding the uſe of them, could have ſaved their authors from

from that puniſhment, the tenets they had dared promulge, appeared to deſerve.

The parliament enraged at the various illegal efforts of the king; and the king, on his part, equally diſpleaſed at the oppoſition to his royal will, were not likely to agree, farther than mutual neceſſity abſolutely compelled them. The ſupplies demanded by the one, were either refuſed, or adminiſtered with a very ſparing hand, by the other. This ſtep, added to the general diſcontents, the threats and remonſtrances interchangeably paſſing between the two parties, induced the ſovereign to diſſolve a parliament, that had been ſtubborn enough to diſpute his power; and endeavour to reign, in virtue of ſuch power, as the people would ſuffer him to retain, without the aſſiſtance of any parliament at all. Here he had to encounter an obſtacle he probably had not foreſeen; or if he had, he might be induced to think the people, ſo attached to the exterior of parliament, would rather petition him to call one, and inſtruct their repreſentatives to comply, in every thing, with his wiſhes, than not be indulged with the conſtant ſight of the phantom they adored. Here, again, he

was

was diſappointed; the people were content with murmuring at the folly, and injuſtice of the ſovereign, and waited with patience till neceſſity ſhould compel him to reform. Hence, for a ſeries of four or five years after the diſſolution of the parliament, the invention of the monarch, and his creatures was perpetually on the rack to ſupply the exigencies of his government, without having recourſe to that manifeſt breach of the law, and direct extortion, which had ceaſed to be endured ſo long, that no monarch (or favourite of one) had ever attempted it ſince the diſgrace of Wolſey.

The public ſale of honours, the proſtitution of licences, under the title of Letters Patent, and, above all, the infamous fines exacted under the colour of law in Star-chamber proſecutions, together with a variety of other contrivances to ſupply the wants of the monarch, were ſeverally tried, and found inſufficient to the purpoſe; ſo that after all theſe endeavours, pitiful and diſgraceful as they were, the pride of James endured a ſtill farther diſgrace, in being obliged to have recourſe to the very means he had formerly rejected, *the authority of parliament*. A conduct

duct founded in error, and continued in obſtinacy, rarely fails to prove the inſtrument of its own deſtruction.

The contempt with which James had affected to treat the repreſentatives of the people, and the averſion he had always held them in, tended only to irritate them, in their turn, ſo much the more againſt him. They totally withheld thoſe ſupplies which they would, in all likelihood, (had it not been for the diſcontinuance of parliaments) have continued to grant, though, perhaps, with a ſparing hand. And the king, finding his ſecond parliament to the full as inflexible as the firſt, was obliged to diſmiſs them without obtaining any flattery to his wiſdom, or relief to his neceſſities. Shame was not to be numbered among his foibles; and failing in every other, he was reduced to the miſerable expedient of applying to the charity of his friends, and neighbours, like an ordinary bankrupt. The term benevolence, by which this application was diſtinguiſhed, had, in former times, been much uſed: it was a good palliative for the word extortion; but had been totally laid aſide, except in the unſucceſsful attempt of Wolſey, ſince parliaments became

faſhionable,

faſhionable, and the power of the nation rendered them more frequent. But though the people entertained not an opinion of the courage, and daring ſpirit of James, ſufficiently high to ſuppoſe he would have recourſe to violent meaſures with thoſe who refuſed any contribution, yet they appeared determined to put the height of that ſpirit to the trial, as the ſcanty amount of the ſum * raiſed, was an evident proof the nation had not faith in the propriety of the demand, or charity to comply with it.

The hopes of the king being thus fruſtrated, he was compelled to drag on his reign ſome time longer, needy, and in debt.

Diſſimulation in his private character, and every failing that can be abſtracted from his public function, need not, nor in juſtice can they be dragged into the account, to ſwell the catalogue of his miſdemeanours. The nation have to regard neither the choice, nor the number of what are called favourites: it has no concern either in their exaltation, or diſgrace, till they become offenſive to its tranquility, and happineſs, as the inſtruments, and

* 53,000 l.

adviſers of tyranny, and extortion. On this ground, his reported hypocriſy at the time of Somerſet's arreſt, and ſeveral other points that relate to his conduct only as mere man, ſhould not be brought forward as charges againſt the kingly part of him. It was, to all appearance, a fortunate circumſtance, that his pacific and timorous diſpoſition tended to counteract his lofty ideas of the extent of the prerogative. Had his courage kept pace with his principles, the charter of liberties poſſeſſed by the people, might, to uſe a common-place metaphor, have been contained in a nut-ſhell; as it was, every ſtep that was poſſible to be taken, without the actual erection of his ſtandard, was, at different periods, practiſed, though without gaining the leaſt ground. In vain did he impriſon the repreſentatives of the people, while the people themſelves were ſo ſtrenuous in oppoſing his demands. It availed him nothing to diſmiſs a judge for refuſing to bend the law to his wiſhes, while that law ſtill remained a bulwark againſt him; ſo that, mortified, and foiled in every endeavour, he became the inſtrument of his own diſgrace: and improving daily in the averſion of his ſubjects, derived no other

advantage

advantage to the prerogative of the crown, than, in various inſtances, compelling a negative definition of what it was, by the reſiſtance of the nation to what it was not.

After an interval of ſome years, neceſſity getting the better of his pride, the king was, for the third time, obliged to have recourſe to that kind of ſolicitation moſt his averſion, becauſe it was legal; moſt affronting to his prerogative, becauſe it proclaimed the power of the people. This application being connected with circumſtances that could not be diſregarded by the parliament, was more ſucceſsful than thoſe formerly made. James having acquired the money, not only appeared dilatory in applying it, but, from his conduct, rendered it a matter of doubt, whether he ever intended to apply it at all. His ſpeech to the two Houſes, at the time of their meeting, breathed nothing but his own conſequence; yet it made no impreſſion on them, and in a very few days that conſequence received a moſt humiliating mortification, from the petitions of the people to their repreſentatives, to exert themſelves in the abolition of a variety of licenſes, and monopolies, framed, and granted by the king, for the purpoſe of

recruiting his coffers, without the conſent of the nation at large. Here he was compelled to make a virtue of neceſſity, and condemn, from his own mouth, that authority, which, flowing only from himſelf, had ſo much irritated the people. With a view of reconciliating their affections, he was content, not only to abandon the objects of national diſlike, but expreſs the moſt hearty wiſh for their exemplary puniſhment *, and lament his inadvertency in having been inſtrumental to what had cauſed ſo much diſguſt. Theſe time-ſerving acts of humiliation were not, however, ſufficient to efface the remembrance of the miſapplication of the laſt ſubſidies, or induce the Commons to grant a new one.

The fire that had been ſmothering for a conſiderable time, had nearly burſt forth into a flame: prerogative, and breach of privilege were bandied from parliament, to ſovereign, as the ſum of their grievances, and the threats of one, were drowned in the firmneſs of the other. When the king diſſolved one aſſembly, he found that which ſucceeded it as ſtubborn

* *Parvis componere Magna*—Like an accomplice who turns, what is called, king's evidence.

as its anceſtor. Complaints, and vain declarations, of what he called his right, met with no other ſatisfaction than a public remonſtrance, indicative of their contempt of his opinion, and aſſertion of their own dignity: at laſt, when matters appeared to have gone ſuch lengths, the ſword alone was competent to decide the quarrel. The conceſſions of the king to a freſh parliament; his conſent, and, indeed, offer, that the money granted by it ſhould be applied by commiſſioners of its own appointing; his ſolemn promiſe, that he would ever, in future, confide in it and be directed by its reſolves, healed the differences that had ſo long ſubſiſted between them; it chearfully granted a ſum ſufficient to the exigencies of government; and death ſoon afterwards put an end to the ignoble reign of a prince, whoſe inordinate luſt of arbitrary rule was tinctured with only juſt as much ſpirit as was ſufficient to render it odious, without being, in the ſmalleſt degree, able to advance its favourite purſuit.

The acceſſion of a young prince to the throne rarely fails to be agreeable to the people. They are led to hope an introduction of manners, and maxims oppoſite to thoſe generally

adopted by the ſeverity of age, they flatter themſelves every operation of the ſtate will acquire freſh vigour from the youth, and ſpirit of the perſonage, who is at the head of it. It is as certain, no prince need have wiſhed a greater popularity than was poſſeſſed by Charles the Firſt, on his becoming a ſovereign, as that no one before him ever required ſo little time to render himſelf obnoxious. He had ſucceeded to his father's ideas of prerogative, as well as to his crown; and thoſe ideas daily formed to themſelves more extravagant pretenſions, founded on the ill-timed flattery of his creatures, and adviſers. He had ever conſidered parliaments as, at beſt, but neceſſary evils; their obſtinacy in reſiſting his demands, and firmneſs in maintaining their own, and the general privileges of the ſubject, could not fail to encreaſe his averſion; ſo that, after a few years ſpent in mutual, and fruitleſs endeavours to further the completion of their ſeparate projects, the ſovereign reſolved to abandon the idea of eſtabliſhing deſpotiſm through the medium of his influence over the two Houſes; and having diſmiſſed a ſturdy monitor, that was perpetually attempting to controul, and reform his errors, once more attempted, what

his father had tried in vain, to render himſelf what, according to the true definition of the term, may be called a MONARCH.

When the bonds of vaſſalage, and influence of an ariſtocratical power are once deſtroyed, and the body of the people are left free, and unreſtrained to act individually for themſelves, as their temper, and inclinations direct them, they are ſlow to anger, but difficult to appeaſe; while, on the contrary, an oppoſition to the crown, originating in the clamours, and diſſatisfaction of the nobles, is ſuddenly excited, and quickly terminated. Magna Charta is an evident proof of the latter, and the oppoſition to Charles of the former. Neither the enlarged notions of the extent of what he called his prerogative, demonſtrated by his ſpeeches, and anſwers to parliamentary remonſtrances; nor the illegal impriſonment of ſuch members as had patriotiſm enough to ſtand foremoſt among his opponents; not the extortion, nor the arbitrary means uſed by the ſovereign to ſupply his wants; not the confinement and perſecution of thoſe who refuſed their contribution; in ſhort, not every varied inſult offered to the conſtitution, and general rights of the nation;

nor the proſpect of every evil that could reſult from the non-reſiſtance to the moſt deſpotic principles, were ſufficient to rouſe the people to that ſenſe of their wrongs, and danger, from which they ſhould deem it neceſſary to put their cauſe to the laſt of all arbitrements, THE SWORD: this did not proceed from any fear as to the event, or ſcruples for their own competency to make the appeal, but from a delicacy in avoiding extremities, till they actually found their own ſafety muſt be the creature of their reſolution, and activity. In the mean time, the ſovereign indulged himſelf in the hope, cheriſhed by the apparently inactive oppoſition to his meaſures, that they would, in the end, be quietly ſubmitted to; and that he ſhould be able to effect the peaceable union of the executive, and legiſlative powers in his own royal perſon. Of all the patriots whom Britain ever honoured with the title, no one appears to poſſeſs a more legal claim to it than John Hampden: his oppoſition to the edict of the crown was not that of a *needy, or factious brawler* for liberty, but the pure efflux of an ingenuous mind, and a *real* concern for the freedom, and rights of his fellow citizens. The ſum (20s.)

illegally

illegally levied on him, ſecures him from the imputation of being actuated, in his reſiſtance, by intereſted motives, and his noble ſtand againſt the rapid ſtrides of arbitrary power intitle him to the perpetuated praiſe of every ſucceeding generation. Of all the opponents of Charles, this man appears to have been the moſt honourable: he was cool, though ſtrenuous; diſintereſted in his proceedings, farther than as they bore relation to the good of his country; and free from that *fanaticiſm*, that *falſe enthuſiaſm* and *boundleſs ambition* that actuated many of his pretended compatriots, ſo that it might be truly ſaid of him,

" This was the nobleſt Roman of them all.
All the conſpirators, ſave only he,
Did that they did in envy of great Cæſar:
He only, in a general honeſt thought,
And common good to all, made one of them:
His life was gentle; and the elements
So mix'd in him, that Nature might ſtand up
And ſay to all the world—*This was a man.*"

The oppoſition of Hampden appeared as the prelude to the misfortunes of the ſovereign.

The hour now approached when the patience of the people, being exhauſted by the perpetual inroads, and attacks of what was

called prerogative, and the ſovereign equally weary of allowing the people any longer the privilege of diſputing his aſſumed authority, and appealing to the laws of their country for redreſs; each party began to prepare, *their minds at leaſt*, for that ſpecies of deciſion they foreſaw their ſeparate pretenſions muſt ſoon apply to. Previous, however, to this, a parliament was aſſembled, which, from its duration, has ſince acquired the appellation of the *Long Parliament*. Little did the king imagine, when he iſſued the ſummons, he ſigned, in effect, the warrant for his own execution. However averſe he might be to a meeting that it might be foretold would afford but little compliance with his will, the inſurrections, and actual inroads of his native ſubjects were of too ſerious a complexion to be diſregarded, or neglected; it was of the higheſt moment to the ſeveral events which afterwards took place, that the Scotch commotions compelled this laſt meaſure of the king; without it, his opponents would have been, in all probability, much perplexed in their oppoſition to him. It was the very ſtep that led to his undoing. By convening the parliament, he erected a power which ſoon became

became paramount to his own, and legalized the meeting, and debates of ſo many conſpirators againſt him. However numerous the grievances of the nation, however juſt the numberleſs complaints of the aſſumption of an arbitrary, and deſpotic power, on the part of the ſovereign might be, the murmurs of the people required ſome contraction, or confinement, to obtain elaſticity enough to endue them with activity. There is a manifeſt difference in the force of a diſſatisfied multitude, ſpread over a tract of country three hundred miles ſquare *, and the power of the ſame number of perſons drawn together in one body; they acquire, like air, or gunpowder, an additional force from compreſſion or confinement, while, in their diffuſed ſtate, they would have continued harmleſs, or, at moſt, weak in their operations. The parlia-

* From the ſame principle the late Revolution in France has originated. Had the Aſſembly of Notables not been convoked, the abſolute power of the king had, probably, ſtill remained unqueſtioned. Thoſe who, to anſwer the purpoſes of argument, and pleaſe their own fancy, aſcribe it to other cauſes, ſuffer their inclination to get the better of their judgment, and attribute to mankind, an activity, an unanimity of ſentiments, and a mutual confidence in one another, they do not by any means poſſeſs.

ment,

ment, when met, became a ſovereign democratical council of the nation, directing its efforts againſt the monarchical power; it aſſumed, even pending the diſpute, every authority annexed to a regular republican convention of ſtates, and the proclamation calling it together, was in fact the act, (though an involuntary one on the part of the king) that created its power. The king had (it never had been even diſputed) a power to diſſolve the parliament; that done, no authority but of the king could have called together a new one. A parliament cannot convene itſelf. Previous to its actual meeting, it is a thing exiſting only in idea; a mere undefinable phantom. For this reaſon the power of convening it*, is lodged in the hands of one defineable perſon. According to the principle ſo univerſally inſiſted on by the advocates for the general equality of all mankind, it muſt

* This principle is traceable in every operation of our internal polity; the propriety of it confirmed by long uſage; and, indeed, the abſolute neceſſity of it admitted by every unprejudiced opinion. It matters not the nature, or buſineſs of the aſſembly; but it is a machine always regulated by the ſame ſpecies of movement, whether it is a parliament, a county meeting, or a common pariſh veſtry.

be

be admitted that no one perſon can poſſeſs ſuch pre-eminent power, except by the joint conſent, and concurrence of all parties concerned, (or the eſſence of *their* power inveſted in deputies from them), that conſent, and concurrence had long ſince been obtained and ſettled: it was an eſtabliſhed maxim *; and the parliament itſelf, though regularly aſſembled, without aſſuming a *right* naturally not inherent in it, could not overturn it †. It is not meant to advance, that the people at large did not poſſeſs that right; to them

* It is of no conſequence how it came ſo; it was binding to all parties, at leaſt till ſolemnly revoked.

† Not in our own country alone, but under every other regularly eſtabliſhed government, no matter of what nature ſoever it is, nor whether elective, hereditary, or neither, we ſhall ultimately come to the ſame point: the difference exiſts only in the name. Like any other mechanical operation, (intended to produce the ſame effect, but varied in faſhion and appearance according to the whim of different countries) is that of government, whether the perſon entruſted with the executive power is called an emperor, a king, a protector, a ſtadtholder, an imaginary king of the Mahrattas, a pagod, a doge, or a grand ſignior, the ſyſtem itſelf is not changed with the term. Every civilized nation in the univerſe agree in one point, the neceſſity of knowing preciſely where that power is lodged.

only

only it of right belonged: but here we recur to our firſt poſition; how were their ſentiments to be known? they could not aſſemble; they could not aſſociate; they could not communicate their opinions to each other, without ſuch an infraction of the law, eſtabliſhed by their own conſent, or that of their anceſtors, which was equally binding, as would ſubject their lives, and property to the irritated clemency of royal authority. (*Such is, alas! the nature of man, where it becomes our intereſt to be cruel, every ſentiment of humanity gives way to that principle*). It is matter of no ſmall difficulty for the inhabitants of one county to be ſo well aſſured of the ſentiments of thoſe of another equally diſtant from the center, and of thoſe of every other county, that a certainty of unanimous opinions ſhall, on the ſcore of prudence, juſtify the firſt reſiſtance. Rebellion is only the *partial* oppoſition of a multitude to the will of a greater number of their equals, and the authority by which the government of the ſtate at large is conducted. In the difficulty of collecting the true ſenſe of the people, ſo as to convert that rebellion into a revolution, the danger conſiſts. Charles might, with

ſafety,

ſafety, have conſigned to death Holles, Haſlerig, Pym, Hampden, or Stroud, as individual and private citizens; but as the delegates of the people, he dared not. His demand of the ſurrender of their perſons, is rather to be deemed the bluſtering act of a bully, than as iſſuing from the firmneſs of a king. When the people choſe their repreſentatives in the long parliament, they transferred their power, authority, and intereſt in the ſtate, to them, as their attorneys, to act in their behalf; they narrowed the debative quality of the nation; they virtually bound themſelves to obey their reſolves; the ſovereignty of the people, in oppoſition to that of the king, became that of the parliament. It reſided in the metropolis, where every information of diſſatisfaction, or approbation of its meaſures, might moſt ſpeedily be made known to it; it aſſumed, as of right, the ſovereignty it decreed forfeited, and reverting to the people its conſtituents, by the breach of the mutual compact, ſuppoſed to be entered into between them, and their ſovereign; it laughed at the fulminating proclamations iſſued againſt it, and the term traitor was applied to the perſonage

ſuppoſed

ſuppoſed to be the laſt in the kingdom likely to incur the reproach. It is eaſy to conceive the difficulties the nation would have laboured under in bringing their cauſe to an iſſue, had not the ſovereign been virtually a conſenting party *.

The murmurs, and complaints of both parties having burſt forth into open hoſtilities, after many fruitleſs attempts at negociation, particularly on the part of the king, let us examine their mutual pretenſions, and ſtate the nature, and quality of the ſupporters of them. On one ſide was the king, attended by a few individual members of both houſes, and ſupported by them, and ſuch others of his private ſubjects as, from the various motives of perſonal friendſhip, views of intereſt, and bias of political attachment, reſorted to

* What is meant to be eſtabliſhed by the foregoing argument is, that a parliament once diſſolved by a legal authority, and conſenting to its own diſſolution, could not re-aſſemble itſelf, independent of that authority. That without a parliament no redreſs of grievances could be obtained, except by encountering ſuch a multitude of acts of conſtructive treaſon as would have ſubjected the principal leaders, at leaſt, to every outrage of enraged royalty, and, in all probability, have ſtrangled the cauſe of freedom even in its birth.

his

his ſtandard. On the other, was the majority of the two houſes, maintaining their ſtation, and acting in their corporate capacity as the ſupreme power of the nation, derived from it as repreſentatives. At the commencement of the diſpute, the union between the two houſes was cordial and perfect. If the commons took the moſt active part in directing the neceſſary levies, and providing the ſinews of war, the lords ſupported the meaſures with all their countenance, and influence, and headed, or enrolled themſelves in the armies that were to defend the common cauſe. All public acts, declarations, and anſwers to the manifeſtoes and meſſages of the king, were publiſhed in the joint name, and by the conſent of both; their committees were all formed on the ſame principle; but, by degrees, the defection of ſome lords, the jealouſy entertained againſt others, and, above all, the too ambitious democratical ſpirit of certain members of the Houſe of Commons, cauſed a gradual degradation of a parliamentary oppoſition, into the reſiſtance of a faction. Thoſe who had, from the beginning, openly oppoſed the illegal meaſures of the ſovereign, were of two deſcriptions; the more moderate

of

of theſe wiſhed only to deprive him of the power of becoming deſpotic, and were ready to reſtore him to the poſſeſſion of every function the proper extent of the prerogative entitled him to, while the more violent, which was alſo the moſt numerous party, would be content with nothing leſs than the total abolition of every trace of kingly government, and the ſubſtitution of a viſionary, incomprehenſible ſyſtem, founded on principles not poſſible to be carried into execution, according to the deſign of the inventors, and fancifully enough denominated *free* and *republican*. In this ſituation were affairs, when the king, rightly judging that, from the ſpirit, and firmneſs manifeſted by the parliament, in oppoſing his prerogative, it would reject, with ſcorn, and defiance, any fulminating proclamation for the diſſolution of it, and convention of another, thought proper to parry a ſtroke that would render him ſo contemptible in the eyes of all Europe, by the political manœuvre of calling together that very parliament at Oxford. Thither reſorted all the members of both houſes, who continued in his intereſt. Thus he gained at leaſt an appearance of legalization to his meaſures; and

and the diſpute, inſtead of ſubſiſting ſimply between the king and the parliament, had now the *reputation* of being an oppoſition to the king, lords, and commons, aſſembled at Oxford, by a part of both houſes, who illegally continued at Weſtminſter. This was one of the wiſeſt, and, at the ſame time, one of the faireſt acts on the part of the king; the beſt calculated to throw an odium on the deſigns of his antagoniſts, and, at the ſame time, enable him to obtain, without at leaſt the *appearance* of extortion, that ſupply of money ſo indiſpenſably neceſſary for the further proſecution of the diſpute. This point obtained, and the empty form of voting thoſe, from whom they had ſeceded, enemies, and traitors to their country, being gone through, they were prorogued without affording any ſatisfaction to the nation at large, or creating any terrors in thoſe who were of a different *political* perſuaſion. Their former colleagues at Weſtminſter continued firm in their principles; but their internal diſputes rather preſaged an advantage, which, if properly improved, might have eſſentially benefited the cauſe of Charles. Providence decreed it otherwiſe, and the democratical party

ſoon gained ſufficient power, and aſcendancy to enable them to frame, and conduct every thing according to their own wiſhes. The eſtabliſhed Liturgy of the church was aboliſhed as the firſt ſtep towards the triumph of puritaniſm. Previous to the conference at Uxbridge, they acquired a formal acknowledgment of their dignity from the king, and an imperative tone ran through the whole of their propoſitions to him. As an article towards the propoſed accommodation, they demanded the abolition of biſhops. The ſolemn league and covenant became the word and counterſign by which they were to diſtinguiſh and know their friends; theſe were followed by a variety of propoſals, indicative of as bold, violent, and illegal an aſſumption on their parts, as (without favouring the cauſe of royalty) had ever manifeſted itſelf on that of the king. Among the commiſſioners appointed by them to ſettle the diſpute, are to be found the names of the lords Northumberland, Denbigh, Pembroke, Saliſbury, and Wenman; but the time drew near when, through the practices of Cromwell, as leader of the independents, the power, influence, and fanaticiſm of this new

ſect,

ſect, the original patriotic deſigns of the two houſes, the Preſbyterians, and other firſt movers in oppoſition to the king, who only aimed at the due, the proper reſtraint of power, not the total ſubverſion of the government, were to give place to the wiſdom of the more *violent* reformers, who conſidered them only as the labourers in the harveſt they were themſelves to reap the fruits of. It is of little conſequence to relate the feuds which took place after the total defeat of the king, between the two different ſects into which his conquerors were divided: ſuffice it to ſay, thoſe who had moſt equity in their pretenſions, had nothing but mere equity to plead in ſupport of them. The army raiſed under the authority of the nation began to take to itſelf a right in legiſlation nearly equal to that very authority from whence it ſprung. It began, indeed, with petitioning; from thence, by an eaſy gradation, it paſſed on to complaining; and ſo proceeded, by regular ſteps, till it attained to dictating and commanding; as though becauſe it had been the inſtrument of ſubduing monarchy, it had acquired, by that act, a power of ſubſtituting anarchy in its ſtead. Having ſoon become ſenſible of its

own conſequence, it quickly rendered itſelf much more formidable to parliament, and became more deſpotic in its meaſures than either Charles, or James had ever attempted to be. Though originally the mere engine of the people, employed to their ſervice, and benefit, it compelled its former maſters to ſink into its creatures, and hold every thing that was dear to them, at the diſpoſal, and ſovereign will of thoſe leaders, who poſſeſſed addreſs enough to acquire in it ſuch unlimited confidence and popularity, as rendered their power truly formidable. The king now a priſoner, and in their hands, was rendered ſubſervient to their intereſt; and, after being deceived, cajoled, threatened, and flattered, according as, at different times, it ſuited the deſigns, and intereſts of Cromwell, and his immediate friends, they thought proper, at laſt, to throw off the maſk; and when he was no longer in a condition to be uſeful to them, conſigned him to that death they had, in their own minds, long predetermined he ſhould ſuffer. To impreſs more ſtrongly the remembrance of the inſolent deſpotiſm practiſed by the army, it will be neceſſary briefly to recite its ſeveral moſt ſtriking acts, previous

to

to the death of Charles. In a remonſtrance, preſented by colonel Ewers to the Houſe of Commons, on the 18th of November, the duration of the parliament then ſitting, and that of every one which was to ſucceed it, was preſcribed. The mode of future elections, the diſqualification of all perſons who had oppoſed them, from their natural ſhare, and voice in every thing relating to parliament, the public proſcription of the king, and divers others, under the convenient pretence of the adminiſtration of public juſtice; the abolition of hereditary government, and the ſubſtitution of an elective one, ſubject alſo to ſuch regulations as were then pointed out; the ſettlement of their own pecuniary demands, and the very mode in which proviſion was to be made for it; and, to crown the whole, the deprivation of all who refuſed to explicitly agree to the preciſe ſettlement there propoſed, from their rights as citizens, were ſeparately inſiſted on. Though the parliament itſelf, acting as the delegates of the nation, might poſſeſs a legal right to act on the ſubject of the premiſed demands as they ſhould think fit, it cannot be aſſerted that the army poſſeſſed even the

ſhadow of ſuch a right. Many of the people, influenced by the terror of the ravages it might commit on the defenceleſs, in caſe thoſe demands were not complied with, might feign an acquieſcence, and approbation merely from a regard to their own perſonal ſafety. This was at beſt but a falſe colouring, and the remonſtrance itſelf was conceived in a ſtrain of arbitrary aſſumption, only to be exceeded by the future conduct of the protector himſelf. The parliament was aſtoniſhed at the inſolence of the demand. Inimical as its ſentiments might be to the encroachments of royal authority, it could not but view the conduct of the army in a light much more to be dreaded. In endeavouring to ſhake off the tyranny of one man, they had incurred that of an hoſt, which ſtood with arms in its hands, ready to enforce the practice of its own doctrine. In vain was it attempted to temporize. The curtain that concealed the wires was withdrawn; and every motion of the puppets being found dependant on the will of the maſter, the parliament became the contempt of that multitude who had formerly gazed on it with wonder and delight. The demands not being inſtantly complied

complied with, the army no longer conceived itſelf bound to act with ceremony, and in a declaration publiſhed a few days after the remonſtrance, publicly avowed its intentions of carrying into execution, by force, that *marvellous reform* they had honoured parliament with the firſt propoſals for, *only for form ſake*. From this day * the ſovereign power muſt be conſidered as inveſted in the army, commanded by Fairfax, who, though himſelf, probably, poſſeſſing too much honeſty to render the ſlavery of his fellow-citizens the conſequence of his own ambition, was, nevertheleſs, weak enough, in political affairs, to become the dupe, and inſtrument of Cromwell, who had no ſuch fooliſh compunctions. Such members as were ſuſpected of oppoſing the deſigns of the latter, who was, though ſecretly, the inſtigator of every meaſure, were excluded the houſe by force †: ſo that, when we conſider the parliament new modelled, according to his wiſh, and reduced to a very ſmall number, all ſteady, and firm in his intereſts, the army, through various ma-

* November 30. † Pride's Purge.

nœuvres, rendered entirely devoted to him, (though matters were not yet ripe enough for him publicly to avow his authority,) the friends of the ſovereign broken, diſpirited, put to flight, or in priſon, the execution of the king is rather to be conſidered as a natural conſequence than a matter of wonder. The mode, indeed, was new, and nothing but that *chef d'œuvre* was wanting to complete the injuſtice of twenty thouſand armed men, giving laws to the whole nation: and their inſolence, in pretending to colour their uſurped right, by a mockery and proſtitution of the term *juſtice*. Let it not be concluded, from the foregoing animadverſion, that it is intended to juſtify the meaſures of Charles; but however deſpotic he might have endeavoured to render himſelf, however he might be deemed to have forfeited his further right of ſovereignty; however it might be judged neceſſary, *and legal* to depoſe, or even put him to death, he held his crown of the nation at large; to that, and that only *, he was

* Or their delegates, freely elected for that purpoſe, and formally inveſted with a judicial capacity.

account-

accountable *. Had the parliament, after the ruin of the king's affairs, iſſued a proclamation, that, having attained the ſummit of their wiſhes, in overturning the efforts of abſolute monarchy, and the firſt end being accompliſhed, they were ready to ſurrender up the charge committed to their care into the hands of their conſtituents. Had they invited them to ſend delegates, properly authoriſed, to act in their name, who ſhould be acquainted with their ſeveral wiſhes, and inclinations, relative to the future eſtabliſhment of a conſtitution, on a permanent, and equitable baſis; had they, till the time of the meeting of the new aſſembly, continued in their ſeveral ſtations to iſſue, and enforce every neceſſary ſtep, for the preſervation of the public peace, and the ſecurity of their ſucceſſors; had they, at the ſame time, taken the proper meaſures to diſband the bulk of the army, now become uſeleſs, reſerving only ſuch part of it as was thought neceſſary to

* "C'eſt, je le répete, à la nation, ſource unique et veritable de toute autorité legitime, qu'il appartient de juges ſi elle eſt bien ou mal gouvernée."

SYST. Soc. tom. ii. chap. 5.

awe

awe any petty inſurrections, ſo that the deliberations might have been perfectly free, and unreſtrained, they would have merited every applauſe a grateful people could have beſtowed.

Before a tribunal thus conſtructed, the charges againſt the king might, with propriety, have been examined, and ſuch meaſures adopted, as ſhould have appeared equitable to the ſovereignty of the nation before which he was arraigned. What was their conduct? they ſuffered themſelves to be made the dupes of a faction which bore them as much hatred, as it did the royaliſts themſelves. Inſtead of curbing the riſing ſpirit of the independents, (who aimed at nothing but the acquiſition of an *arbitrary* power, to the total ſubverſion of the *national* rights; to the introduction of fanaticiſm, and the annihilation of liberty, both of body and conſcience, with regard to every one who reſiſted, or refuſed to embrace their tenets,) they were permitted to avail themſelves of the diſtracted, and divided ſtate of the country, which raiſed them into conſequence as a party, and cheriſhed the viper hypocriſy, till it acquired ſtrength enough to deſtroy its benefactor, and become the enemy of all mankind. They patiently ſuffered the national

army,

army, raiſed under their *authority, to become the inſtruments of tyranny over their maſters, without attempting the proper aſſertion of their own conſequence, by firſt providing for the payment of their juſt pecuniary demands, and then reducing them, from *an hoſt of kings*, to their original ſtate of private citizens: this they might, at leaſt, have attempted; in ſupport of their proclamation, they would have poſſeſſed the hearts, and might have commanded the ſwords of every *honeſt* man in the ſtate; who, though an enemy to royal tyranny, poſſeſſed ſenſe enough not to be made the dupe of a partial democracy, and become, himſelf, the forger of his own ſhackles.

How incompetent is human reaſon to guard, at all times, againſt the varied attacks of human ambition! Thoſe men, who had nobly reſiſted the deſpotiſm of a perſonage, placed in a ſituation for which, in the beginning of the diſpute, they certainly poſſeſſed no inconſiderable degree of reverence, became

* The delegates of the people,

the

the ſlaves *, and, what is worſe, the ſupporters of the ambition of a private citizen, who boaſted no other pre-eminence than his ſuperior faculty of diſſimulation; no argument in favour of his exaltation but the keenneſs of his ſword, and the affected PURITY of his morals.

The king being removed, the firſt ſtep dictated by Cromwell, and the army (for to thoſe ſources every future meaſure is to be attributed) was that of decreeing the Houſe of Lords uſeleſs, and unneceſſary to the legiſlature, and government of the nation. This was a ſecond grand ſtep to the completion of his views. The next was, to procure himſelf to be appointed to the government of Ireland. His ſucceſs there having acquired him a popularity due to a better cauſe, he was appointed, on the reſignation of the conſcientious Fairfax, General in Chief of the

* " Bientôt le peuple qui ne raiſonne gueres, qui ne " diſtingue nullement la liberté de la licence, ſe vit déchiré " par des factions; étourdi, inconſtant, imprudent, im- " péteux, dans ſes paſſions, ſujet á des acces d'enthouſiaſme " il devint l'inſtrument de l'ambition de quelque haranguer " ou chef qui s'en rendit le maître et bientot le tyran."

SYST. SOC. Tom. II. c. 2.

Armies

Armies of the Commonwealth. The defeat of the Scots at Dunbar, and the victory at Worceſter, ſerved as an additional confirmation of his credit, and conſequence, ſo that he might be truly ſaid to poſſeſs the power of a king, without incurring the odium, which, according to the temper of the times, was annexed to the very name.

The political diſcernment of Cromwell has never been diſputed: the abilities, and bravery of the miniſters of ſtate, and commanders, appointed by the aſſembly, to which he bore the ſame relation the dictator did to the Roman ſenate, reflected back a dignity, and ſplendour on him as the firſt cauſe, which kings, impoſed on by the flattery, or kept in ignorance by the want of honeſty of thoſe near their perſon, had rarely acquired.

With Cromwell it was otherwiſe; he was the life of every enterpriſe, eaſy of acceſs, and happy to receive the ſmalleſt piece of intelligence, even from the meaneſt perſon. The ſucceſs of the Dutch war, contrived by his enemies in the hope of occaſioning his deſtruction, and his firm aſſurance in the ſupport he ſhould experience from the army, prompted him to, what, may truly be called,

the

the *ne plus ultra* of deſpotiſm. Violent as the act might be, the dignity of it cauſes every cloud of diſapprobation, which would invelope a meaner action, to vaniſh from our ſight. And if the execution of Charles excites our wonder, as proceeding from the warrant of an unauthorized convention of an hundred and fifty of his ſubjects, (Cromwell himſelf being one,) with what ideas muſt we regard the daring ſpirit of an individual of that convention, who, without any delegated authority from his colleagues, ſhould take upon him to annihilate the ſmall remains of power, or influence in the government of the ſtate, the army had, for ſome time paſt, thought proper to allow them. Every uſurper, or abſolute monarch, muſt invent ſome method of leſſening the diſtance between the people, and himſelf: although Cromwell had, b yhis forcible diſſolution of what, was called, the parliament, figuratively ſpeaking, conducted *himſelf* to the canopy of ſtate, it did not appear to him prudent to ſeize the chair, that ſtood empty, as it were, to invite him. A variety of ceremonies were previouſly to be gone through, were it only for form ſake. Cæſar had his ſenate, and Cromwell his coun-

cil

cil of officers. The etiquette was agreed on. A ridiculous meeting aſſembled by his authority, and whimſically ſtiled a parliament, declaring themſelves incompetent to the direction of public affairs, voluntarily ſurrendered up their pretended power into the hands of him who created it; and his *council*, as they were ſtiled, re-acted the farce exhibited with ſo much ſucceſs by the laſt Richard.

The name alone of king was wanting, as if the term could conſtitute the authority, or that the eſſence of power could be altered by a different poſition, or ſelection, of a few letters in the alphabet. Metaphyſical, however, as the diſtinction was, it was every thing that was done to render palatable the compleateſt uſurpation ever effected.

It was not to be expected a ſovereign power, attained by ſuch means, could continue to be poſſeſſed in quiet and tranquillity.

Hence, though we look with amazement on the greatneſs of mind which projected, and carried the deſign into execution, we are not to be aſtoniſhed when we find, almoſt daily conſpiracies formed againſt it when brought to perfection. Fallen royalty ſtill poſſeſſed many ſecret friends: their number was, per-

haps, encreaſed by theſe luke-warm ſupporters of republicaniſm, who, in the beginning, having reſiſted the arbitrary attempts of Charles, from the pure efflux of patriotic principles, and ſeeing the gulph into which they had fallen, continued to poſſeſs patriotiſm enough to execrate deſpotiſm in whatever varied form it might be produced to them.

Cromwell had the policy to frame an inſtrument of government *, as it was called, on ſuch terms as he conceived would be moſt agreeable to a people, from whoſe jealouſy for their liberties he was principally to derive his ſafety. This may be thought a paradox, if it is admitted he was an uſurper. Let us, however, ere we decide, examine his conduct, and the motives of it. He refuſed the title of king becauſe the word itſelf was ſufficiently odious to cauſe his deſtruction. The authority he propoſed the acceptance of was fettered with ſuch conditions as were beſt calculated to perſuade the people, with the purity of his intentions and hearty wiſh for

* Which he ſubſcribed to previous to his aſſuming the protectorſhip.

their univerſal good. Eminent as he was in taking every advantage of the foibles, and weakneſſes of mankind, he conjectured that, by flattering the conſequential vanity of the people, and inſpiring them with every poſſible ſentiment of their dignity, he ſhould render the path to his own advancement extremely eaſy; that when he was once inveſted with a proper authority, he might, without danger, (having the army at his command) fulfil, annul, or diſpenſe with any part of his engagement, that might beſt ſuit his purpoſe, and inclinations. The event confirms this trait of his character. In compliance with the terms of the inſtrument, and to procure a ſolemn parliamentary ratification of his dignity, he convened the delegates of the people; but finding them (contrary to his expectations) not generally diſpoſed to act in perfect obedience to his dictates, he had again recourſe to his old ſucceſsful method, of turning out, by force, every one he ſuſpected of countenancing any oppoſition to him.

His ſecond attempt was more ſucceſsful; he contrived a teſt, or engagement*, which

* Declaratory of their non-reſiſtance to the form of government then eſtabliſhed.

every member was obliged to ſubſcribe to, as a qualification to the truſt repoſed in him. This teſt, containing nothing illegal, or unconſtitutional, provided Cromwell's authority had been fairly derived, was unobjectionable in its form to all who did not aim at his ruin. They could not refuſe acquieſcence without betraying their ſentiments; and the refuſal became conſtructive treaſon under various ſtatutes, made in the reigns of kings, if it were admitted he had attained his ſtation by the conſent and approbation of the nation at large. Be that as it may, it fully anſwered the purpoſes of Cromwell; and thus armed, the formation of ſuch an aſſembly as he wiſhed, *and called a parliament*, became a matter of courſe. By his accommodating manners he gained ſuch an aſcendancy over all parties, even thoſe who were his profeſſed enemies, that he appeared to poſſeſs every proſpect of reigning abſolute, and undiſturbed. The title, and authority of a king was formally tendered him, and ſundry arguments uſed to induce him to accept of it. He thought proper to refuſe; and the repreſentative aſſembly, in token of their gratitude to his modeſty, confirmed, by a formal public

act,

act, his title of protector. Theſe proſpects were too flattering to continue. Every day, almoſt, gave birth to ſome new conſpiracy. Nothing but his reputed character for reſolution, and the ſupport he derived from the army, continued to him the poſſeſſion of that power, which ended not but with his life. To attempt an inference of the liberty of the people, drawn from the death of Charles, and the various events connected with it, were in the higheſt degree ridiculous. That buſineſs has been already diſcuſſed, and it were needleſs to enlarge on it. The title of protector beſtowed on, or to ſpeak more properly, aſſumed by Cromwell, is no proof the office was a tittle leſs inimical to general freedom than that of an abſolute monarch would have been; and to ſum up the proceedings of the laſt ſixteen years, we may, without rancour, or bias to any particular opinion, truly ſay, enthuſiaſm overcame reaſon. The moſt ſacred terms, and rights, were perverted to the worſt ends. The honeſt oppoſition to arbitrary rule became the nurſe of the temporary ſlavery of the nation; and the people, in general, ſtrove who ſhould, with the greateſt fervency, worſhip the idol deſpotiſm, under

the ſpecious garb of reformation and liberty. For the character of Cromwell *, it riſes, in ſome inſtances, above all praiſe; in others, ſinks him lower than words can poſſibly degrade him. We may admire, on one hand, his magnanimity, his prudence in evading danger, and courage in providing againſt it; his conſummate policy, in rendering almoſt every occurrence ſubſervient to his own advantage; his wonderful penetration in the choice of thoſe he entruſted; and, above all, that complete intelligence, and knowledge he

* The character of Cromwell is by no means an original one. Many of his moſt ſtriking features are diſcernible in a very old portrait, drawn by an eminent maſter. "Utebatur hominibus improbis multis, et quidem optimis ſe viris deditum eſſe ſimulabat; erant apud illum illecebræ libidinum multæ; erant etiam induſtriæ quidam ſtimuli, ac laboris. Flagrabant libidinis vitia apud illum: vigebant etiam ſtudia rei militaris. Neque ego unquam fuiſſe tale monſtrum in terris ullum puto, tam ex contrariis diverſiſque inter ſe pugnantibus naturæ ſtudiis, cupiditatibus conflatum. Quis clarioribus viris quodam tempore jucundior? Quis turpioribus conjunctior? Quis civis meliorum partium aliquando? Quis tetrior hoſtis huic civitati? Quis in voluptatibus inquinatior? Quis in laboribus patientior? Quis in rapacitate avarior? Quis in largitione effuſior?"

Cic. Orat. pro Clælio, ſect. 3.

poſſeſſed,

poſſeſſed, both of men, and things, which contributed ſo much to the ſucceſs of every enterpriſe he undertook, and rendered him, in effect, *the arbiter of Europe*. On the reverſe of the medal, we ſhall find diſſimulation, cruelty, hypocriſy, tyranny, and deceit; all theſe were the creatures of the leading feature of his mind, AMBITION. To that ſingle end, every conſideration of juſtice, honour, or morality, were indiſcriminately ſacrificed. Had he, according to the rule of hereditary right, been born to the throne, he, probably, might have paſſed for a virtuous man, from a want of neceſſity for the exertion of his vices. Situated as he was, even his enemies cannot but applaud his extenſive abilities, while they condemn his wickedneſs.

Though Cromwell could not intail his talents for dominion to his ſon Richard, he nominated him for his ſucceſſor; and the people, not yet ripe for oppoſition, acquieſced in the choice. When they had recovered the ſurpriſe into which they had been thrown, by the ſuddenneſs of the change, they found, in the ſon, none of thoſe glittering qualities which had dazzled, and amuſed them in the father; ſo that, after an inglorious elevation of a few

months continuance, Richard, as better ſuited to that condition, ſunk once more into the ſafer ſtation of a private citizen. A variety of plans, and cabals were now formed for the eſtabliſhment of ſome different ſyſtem, or advancement of a particular perſon, but were all ſucceſſively defeated. The long parliament, (as it was called) being the only legal one exiſting *, was, after an interval of ſix years, again reſtored to the poſſeſſion of its authority. The army, attempting to maintain its ſovereignty, was baffled in almoſt every attempt; and the ſelf-erected committee of ſafety, yielding to the tide, joined in the prevailing voice of the time, and republicaniſm was the purſuit.

By the temporiſing intrigues of Monk; the various arts, and deſigns, of Lambert, Fleetwood, and others, were ſuppreſſed; but matters, nor the temper of the people, were yet ſufficiently prepared for the full diſcovery of his intentions. He diſplayed, through the whole of his undertakings, a penetration, and faculty in managing different parties, that would have

* As deriving its conſequence *conſtitutionally* from the late king.

done

done credit to Cromwell himſelf. So that after a few months ſpent in training the parliament from the moſt obſtinate republicaniſm to a ſtate far from hoſtile, *even to regal* government; after annulling every public act* that had paſſed ſince the ſeizure of the members, by Pride, in the year 1648, by which annullment the Houſe of Lords was once more reſtored to its conſequence, the parliament voluntarily diſſolved itſelf, having firſt iſſued, from its own authority, as the beſt then exiſting, the neceſſary writs for the eſtabliſhment of a ſucceſſor. The conſequence is known to all. The two houſes of Lords and Commons, meeting on the 25th of April, 1660, in a few days unanimouſly agreed in the reſtoration of kingly govern-

* Among which were, that repealing the Oath of Abjuration of Charles Stuart; and another annulling the engagement to be faithful to the commonwealth, without a king, or houſe of lords. The only ſtep taken by it, that wore the leaſt appearance of being hoſtile to royalty, was, the required acknowledgment from all perſons entruſted by them, that the taking up arms againſt the late king, was a lawful, and juſtifiable meaſure. This certainly might be aſſented to even by DISPASSIONATE *royaliſts*, without much ſtrain of principles, or conſcience.

ment in the perſon of Charles the Second *, Thus was an event of the higheſt importance effected without the ſmalleſt tumult; the Preſbyterians themſelves, the original foes of monarchy, joining with the moſt zealous royaliſts, rather than not extricate themſelves from the tyranny of the fanatics, and the inſolence of the army under which they had groaned for ſuch a ſeries of years. Though the execution of Charles was the efflux of meaſures the moſt inimical to the national rights, the reſtoration of his ſon was as conſonant to them as the nature of the caſe would permit. If the former was the act of an imperious, fanatical, ambitious junto, the latter was that of the whole nation, virtually inveſted in delegates, freely appointed by it. No election of a monarch, perhaps, ever exiſted, more flattering, or honourable to the

* This event took place without the ſmalleſt ſtipulation on the part of the nation, or promiſe on the part of the king. Thus it was, as at every preceding period, when the power of election reverted into the hands of the people, paſt grievances were drowned in the charms of novelty, and the beſt blood in the nation ſacrificed, without the ſmalleſt ſettlement of the end for which it was ſpilt.

perſonage

perſonage who was the object of it; ſo was the confidence of the people never more abuſed. The parliament, with the utmoſt liberality, provided for the exigencies of the ſtate; and the ſovereign, in return, laviſhed a conſiderable part of it in purſuing his own pleaſures, and debaucheries. There had hardly ever exiſted any aſſembly of this nature, more conformable to the intereſt, and wiſhes of the court. The proof they gave of it in paſſing the Corporation Act *, is ſufficient to eſtabliſh the poſition. Meaſures equally productive of the intent, and affording full ſecurity againſt inteſtine commotion, might have been contrived without ſo peremptorily enforcing the doctrine of non-reſiſtance: terms, in effect, rendering the executive power totally independant of the legiſlative, and conſtituting an abſolute monarchy without a poſſibility of revocation. This is as demonſtrable as the plaineſt mathematical axiom. What is the eſſence of a free government? but that the people ſhall be competent to enact ſuch laws as ſhall, when approved by the ſove-

* By which it was enacted, that it was not lawful, on any pretence WHATSOEVER, to take arms againſt the king.

reign,

reign, become binding to all parties. But by the act in queſtion, a power was virtually granted to the ſovereign of making what laws *he* pleaſed, or governing without any preſcribed laws at all. Should he become ever ſo deſpotic; ſhould he impriſon, fine, put to death, or commit any other act of violence on his ſubjects, what was their reſource, "a repreſentation of their grievances." On the ſovereign's contemning what neither endangered his ſafety, nor ſhook his throne, what mode of redreſs was left them: one, not in the power of any human being to beſtow, PATIENCE; their own ſolemn act had fruſtrated every other. It is needleſs, after this inſtance, to adduce any thing further in proof of the willingneſs of the parliament, to promote every meaſure that might appear to tend to the intereſt, or pleaſure of the ſovereign. This cordial intercourſe continued for twelve years *, when the too glaring attempt of Charles, to fill up the vacancies in the Houſe of Commons, with perſons of his own chuſing, firſt created a diviſion of ſentiments, which gave birth to a variety of addreſſes,

* The ſame parliament continued ſitting eighteen.

decla-

declaratory of its own conſequence, and the liberties of the people, together with ſome proviſion for the ſecurity of both: the diſpenſing power of the king was among the firſt aſſumptions of which it complained; and its firmneſs in refuſing to grant a money-bill till it had obtained the wiſhed for redreſs, procured the almoſt immediate revocation of it. To this ſucceeded the Teſt Act, a variety of petitions of grievances, the addreſs againſt the marriage of the duke of York, and above all, the vote againſt the ſtanding army. Theſe, with many others of inferior note, ſtand as ſo many records of legal oppoſition to deſpotiſm, and as inſtances of the yielding faculty of ſovereignty to ſpirited, and patriotic reſolution. In the end, there having for ſix years exiſted a continued ſtate of petty warfare between liberty, and prerogative, the king thought it high time to exert that part of it which really was his right, and put an end to the debates of an aſſembly that ceaſed to be ſubſervient to his wiſhes. His views were not much furthered by the change. The new parliament was not a tittle more complying than that which had preceded it. The impeachment of the

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earl of Danby, in direct oppoſition to the wiſh of the ſovereign, became a ſufficient indication of its principles. The propoſed excluſion bill, for the prevention of a Popiſh ſucceſſor to the crown (though defeated by the manœuvre of Charles) and *the habeas corpus act*, are full confirmations of them. The temper of a third was ſtill more averſe to the court; the reiterated attempt to paſs the Excluſion Bill; the votes for the purpoſe of rendering the judges more independant of the crown, for the frequency and ſecurity of future parliaments; for compelling its own members to aſk the formal conſent of the houſe ere they accepted any employment under the ſovereign, and for the prevention of any levy on the people, unauthoriſed by an act of parliament, were aſſertions of its own independence, were acts of patriotiſm and ſpirit, never exceeded, and rarely equalled. The laſt parliament he called was ordered to aſſemble at Oxford, as if the king thought, by changing the place of meeting, he ſhould change that of ſentiments alſo *. But he ſtill continued to experience the obſtinacy of

* Cœlum, non animum mutant, qui trans mare currunt.

the

the people at large, in their ſelection of repreſentatives, and the integrity of the repreſentatives in continuing ſteady to their truſt; the grievance ever uppermoſt in their thoughts, were the terrors occaſioned by the probable ſucceſſion to the crown, in the courſe of hereditary right of James, duke of York: he had rendered himſelf highly obnoxious to the people, by his high-flying notions of regal power, the arbitrary ſentiments he was ſuppoſed to be perpetually inſtilling into the king; and above all, his open profeſſion of the Catholic religion, to which he was univerſally known to be a perfect bigot. Neither the king, the preſent or preceding parliament, ſhewed the ſmalleſt inclinations to relax in their opinions. The firſt continued firm in his reſolution, not to deſert his brother, and the latter equally ſo in their endeavours to exclude him. All the royal influence was able to effect was, the collection of a ſufficient party, in the Houſe of Lords, to prevent his being compelled to the ſad alternative of either ſuffering it to paſs into a law, or preventing it by his ſingle negative. The general diſlike ſhewn by all ranks of people to the meaſures of the court, might

have

have been ſufficient, in leſs important caſes, to have prevented the purſuit of them; but the ties and affections of conſanguinity, and partiality to opinions conceived through long habits, conſonant to their own intereſts, compelled the king, and his brother, to act almoſt in defiance of the nation, and as they could not govern its repreſentatives, to endeavour to act without their aſſiſtance.

By the diſſolution of the parliament Charles evaded the rock on which the perſonal ſafety of his father ſtruck. The nation, indeed, was kept in a continued ſtate of murmur, and uneaſineſs: but theſe never acquired ſufficient height to renew the ſcene that had taken place in the former reign; there were, beſides, many reaſons that operated ſtrongly againſt the renewal of it. Under the ſpecious pretence of ſtate, he had eſtabliſhed, what had been ſo often attempted in vain, a ſoldiery, regularly trained, and kept in conſtant pay. Though the number was ſmall, and, perhaps, totally incompetent to effect, of themſelves, the ſubjection of a whole nation; yet, unaccuſtomed as it was to the ſight, the novelty of it became ſufficient to inſpire general terror. The firſt commotions of the oppoſitioniſts might have been

been ſuppreſſed the inſtant they attracted the jealouſy of deſpotiſm, while the friends of the latter would have experienced countenance, and ſupport from the regular troops; who would have formed an admirable center to have collected an army to. To theſe reaſons may be added, the fears now impreſſed by experience, leſt (reverſing the proverb) by catching at the ſubſtance, they ſhould loſe even the ſhadow, and the remedy becoming worſe than the diſeaſe, they ſhould, after perhaps a ten year's war, be obliged, as the more eligible ſtate of the two, to have recourſe again to the diſeaſe itſelf. All theſe conſiderations operated, conjunctively, to prevent the honeſt friends to liberty, from moving in the direction they probably would have done had not thoſe conſiderations exiſted. As for the fanatics, the independents, and other ſectaries, they were over-awed by the more weighty, and convincing arguments of the general averſion in which they were held, and the diſcouraging proſpect of the horrors attendant on a military execution. To theſe cauſes was Charles indebted for the peaceable continuance of a reign, which he otherwiſe had forfeited all pretenſions to by his conduct.

The diſpoſition of the parliament was endued with patriotiſm, infinitely ſuperior to that which had effected the ruin of his father; one only contended for the liberties of the people, (which in the end, it ſuffered to be deſtroyed) the other ſecured them; one was actuated by ambitious motives, aided by fanaticiſm, the other by the intereſt and welfare of its fellow-citizens. Perhaps greater contradictions in politics never were manifeſted in any reign, or country whatever: the people never were more captivated, or diſguſted, with the ſovereign power in ſo ſhort a ſpace of time: there never were exhibited, in the ſame period, ſtronger proofs of freedom, nor ever appeared more violent inſtances of tyranny, and ſlavery. Yet all theſe ſeeming contradictions took place under the auſpices of one, and the ſame perſon, the ſecond Charles. After the diſmiſſion of parliament, the will of the monarch, guided by the bigotry of the Duke of York, ſuperſeded both law, and equity, and formed a new code on the ruin of both, not conformable to the principles of either. The people were not much behind-hand; the rumours of one conſpiracy were contrived as a counterpoiſe for the reality of another; and if

perjury,

perjury was uſed on one ſide, to give the pretended colouring of juſtice to one execution, * another took place with the oppoſite party, without even having recourſe to that formality †. The general diſcontent afforded a probable ground to ſuppoſe the exiſtence of a conſpiracy; and the charge againſt thoſe whom the court party thought proper to remove as obnoxious to them, (making this a plea) appears to have been ſubſtantiated on the logical concluſion, "*that as men they might conſpire; and if they did not, it was their faults;*" rather than the doctrine of fair evidence. From ſuch a confuſed ſcene, it would be unjuſt to both parties to draw any inferences of the tyranny of the one, or aſſertion of privileges of the other. The principles of government are to be examined like the depth of a river; not when the rain has ſwelled it into a torrent, but when it flows with a conſtant equal ſtream. Among thoſe who ſuffered, were two perſons that have been principally held out as victims of bigotry, and martyrs to the cauſe of liberty.

* Coleman, Ireland, Pickering, and Grove.

† Lord Ruſſel, Algernon Sidney, and others.

The characters of the men were totally different, though the injuſtice done them, according to the principles of the Engliſh law, might be juſt the ſame. The gentleneſs of Ruſſel's manners, the general reputation of his innocence, the perverſion of what were conſidered as peremptory maxims of the law, in order to bend his caſe, even as it ſtood by his enemies ſhewing, to the proof of the alledged treaſon, and above all the refuſal of what, to a priſoner in different circumſtances, would have been deemed no favour, (becauſe the acquieſcence would, perhaps, have rendered his acquittal certain) are cauſes ſufficient, even at this remote period, to awaken every ſentiment of pity for his fate, and excite our indignation at the power that contrived it: while the death of the latter ſhould, among moderate men, give birth to no other ſenſations than thoſe created by the proſtitution of the ſacred term Law, which was degraded into the worſt of forms, or rather deprived of the leaſt reſemblance of form, to effect the deſtruction of a man guilty only of an abortive treaſon. To the violence and injuſtice of his enemies, he is indebted for the place he holds in the catalogue of poli-

tical ſaints. Ambitious, daring, enthuſiaſtic in civil, fanatical in religious matters; enterpriſing, and averſe to every form of government but that of his own immediate framing, he could not be otherwiſe than a dangerous member of ſociety, even in his calmeſt moments. His political tenets, being pretty well known, were more than ſufficient to render him ſuſpected; and the violence done the nation through him, conſiſted in the ſovereign, and his party ſtudying the unconſtitutional prevention of an actual crime, inſtead of waiting the proper hour of puniſhment for one really committed. Lawyers may ſtart innumerable objections to the legality of his conviction; thoſe who feel for the honour of the laws of their country, the unblemiſhed integrity of the expounders of them, and contend for the pure unſpotted fame of adminiſtered juſtice, may ſicken at the ſound; but in nations leſs punctilious than our own, where the eſſence of the crime is made to conſiſt as much in intention, as perpetration, and the non-execution, or abſurdity of a project is deemed no proof of the non-exiſtence of it, Sidney might have yielded to the ſtroke of the executioner without ever being

conſidered either as a ſaint, a patriot, or an injured man *. To conclude his character, he

* A patriot, by profeſſion, is never happy but when, like the character in the Tale of the Tub, he is recounting the miſeries he has undergone, and exhibiting the ſcars, the wounds he has received, in what he calls his country's ſervice. He boaſts to fulfil the ſcripture, if government ſtrikes him on one ſide, he patiently turns the other to receive the ſecond ſtroke. Though no man void of deſpotical bigotry will fail to expreſs his indignation at the illegality of Sidney's trial, and condemnation, ſo no man in his ſenſes will diſpute the REALITY of his guilt. There is a manifeſt difference between the proof neceſſary to *fair conviction*, and what is only required to convince us as individuals. When we conſider the former conduct of this man, his original refuſal to avail himſelf of the act of general indemnity, and his acceptance of a ſpecial pardon afterwards, (*in both which contrarieties of conduct* the general factious tendency may be eaſily traced) by which acceptance he pledged himſelf; far as honour ſhould bind him to give no further diſturbance to a government, the acknowledged, and aſſumed principles of which he was much acquainted with, and notwithſtanding this implied promiſe, openly joined a party, which however juſt THEIR quarrel, he ought not to have interfered in, we may *perhaps* be prevailed on to admit, now time has diſperſed the cloud of popular prejudice; that if we conſider him by his abſtract character, and treatment, commencing only the hour before his apprehenſion, we ſhall pronounce him a much injured ſacrifice to jealouſy, and bigotry. But if we review his general conduct,

he was one of thoſe perſonages, who in every age ſtart into conſequence, and popular favour by provoking the quarrel, and endeavouring to diſunite the mutual affections of the people, and the prince. Yet theſe individuals, were it not that the puniſhment of them too frequently ſwells into cruelty, and injuſtice, might, notwithſtanding their boaſted patriotiſm, live as neglected, as they would die deſpiſed. Captivated by the *beauty of the plumage*, each man endeavours to exceed his fellow in deſcribing the excellent qualities of this *phœnix*; and the zeal for panegyric cauſes him to overlook the *carrion quality of the fleſh*. The king himſelf did not long ſurvive; and if it afforded any ſatisfaction to the violated liberties of the nation, it is aſſerted, that previous to his death he ſincerely repented of his various outrages, and became a true convert to the intereſt, and internal happineſs of the nation. It is inſiſted on by many, that this ſudden converſion became the cauſe of his as ſudden diſſolution; a melancholy proof that

conduct, character, and acknowledged principles, we may probably be induced to degrade him (when tried *foro conſcientiæ*) from every claim to public adoration, or COMMON HONESTY.

the ties of conſanguinity, and brotherly love are as inſufficient to protect a prince from deſtruction as any one of his moſt private ſubjects. The death of Charles nothing bettered the condition, or temper of the nation. The genius, and principles of his ſucceſſor had too often been made a ſubject for general diſcuſſion, not to become as generally diſliked. To a ſet of political tenets as much deteſted as thoſe of his brother, he joined a bigotry in religion not to be reclaimed by advice, or warned by experience; ſo that the ſhort period of his reign was a continued ſcene of trouble, occaſioned by a conſtant ſucceſſion of declaratory remonſtrances, petitions, and exaſperating, though fruitleſs endeavours on his part, to turn all his ſubjects into monks, and himſelf into their ſuperior; the very catholics themſelves were aſhamed of his folly, and regretted his obſtinacy. The nation, firm enough, not to ſuffer itſelf to be convinced of the propriety of the arguments in favour of paſſive obedience, was unanimous in determining on active reſiſtance. Thus after a litigation of ſo many years continuance between the power of deſpotiſm, and the ſtruggles of liberty, the landing of the prince

of

of Orange put an end to the ſuit, by rendering the firſt of the parties a bankrupt.

Inferences from pure hiſtorical evidence, form the beſt arguments in ſupport of political theſes. They do not admit even of controverſy; but, requiring no collateral aſſiſtance, remain like mathematical axioms, firm, ſelf-evident, and indiſputable. From the various commotions that took place during that ſpace of time compriſed between the two periods commonly diſtinguiſhed by the appellations of the conqueſt, and the revolution, it muſt be admitted by all candid, diſpaſſionate men, that the emancipation of the nation, from the ſtate into which it was plunged by the firſt of thoſe events, was regular, and progreſſive. The hiſtorical life of Britiſh liberty, from the ſtate of childhood, to maturity, may be indeed partially interrupted by a few *epiſodes*, not materially connected with that of the heroine herſelf; but the eye ſhould not be ſuffered to glance for a moment from the right line of deſcent, by the glaring, and impertinent attraction of a ſplendid collateral, who, dying without iſſue, could not poſſibly tranſmit to poſterity, any claim, through his own perſon, to the original eſtate. Admit-

ting the crown to have been held *as the off-ſpring of conqueſt*, by every perſonage who poſſeſſed it, from the time of William the Norman, to that of the ſecond James, the abdication of the latter, undoubtedly deſtroyed the nature of the tenure, and the nation, now become the lords of an eſtate, that had been ſo long, and ſo unjuſtly withheld from them, had a right to impoſe ſuch ſervice on the new royal copyholder as they thought adequate to the extent of the grant.

The convention aſſembled in 1689, were actually ſeiſed of the ſovereignty of the nation. They were inveſted with it by thoſe who conſtituted them their repreſentatives, and all, who from various motives took no active part in the election, were equally approving, and conſequently concluded by the act. From their tacit acquieſcence, they added a ſtrength, and conſequence to the declared ſentiments of their fellow citizens; and reverſing the ancient ſcriptural doctrine, "*All who were not opponents, were interpreted as* (*and avowed themſelves to be*) *friends.*" Will any man, at the preſent day, be hardy enough to aſſert, that the revolution was not the free, and voluntary act of the *majority* of

the people? It cannot be perhaps defended, that that majority poſſeſſed a right of entailing on their poſterity * ſuch regulations as ſhould bind them to the end of time; but it certainly muſt be admitted they were perfectly competent to the foundation, and eſtabliſhment of ſuch a ſyſtem as ſhould be conſonant to their wiſhes, and views †. This was effected;

* Political writers (even thoſe who are actuated by the pureſt and moſt patriotic motives) are too apt to ſuffer their zeal to overcome their judgment. In the heat of argument they are betrayed into unguarded phraſes, which afford an opportunity to the ſceptics to multiply their objections. If one man is haſty enough to aſſert that a public act (*meaning an act of parliament*) is binding on poſterity, (*meaning only till poſterity ſhall think proper to abrogate that act*) an antagoniſt will ſtart up, freſh from that Cadmean dragon's jaw, *a republican printing preſs*, and charge him with having vented treaſon againſt the *majeſty* of man; he will endeavour to ridicule his ideas, by affixing to them a meaning of his own, and *making* him aſſert that one generation had aſſumed, and exerciſed a deſpotic power over another that was to ſucceed it; and further, that ſuch deſpotiſm muſt be ſubmitted to by every ſucceeding generation. The conſtruction is too ridiculous to deſerve an anſwer, as no man in his ſober ſenſes can do otherwiſe than ſee the tendency of the original argument, and the motives of the anſwerer.

† Which eſtabliſhment muſt be conſidered unalterable and irrevocable, except by an *operation ſimilar to that which*

ſected; and on ſuch a baſis of reaſon, as appeared to bid defiance to human caprice, and every future attack of faction. It is almoſt impoſſible (to ſuch a glorious pitch of ſophiſtry are we arrived) to fix the opponents of kingly government to any point; they confute, change ſides, and ſtill confute. Wherever it anſwers the particular turn, the argument takes. If any pretended encroachment of the ſovereign authority, or what is vulgarly called prerogative, is the ſubject of debate, or complaint, kingly government is immediately defined as a mutual compact between the governing, and governed; and the ſmalleſt encroachment of the former amounts to an actual forfeiture of the whole eſtate, and reverſion to the original grantors. But when popular clamour degenerates into ſedition, and rebellion, then all idea of compact vaniſhes, and every crown is declared to be held dependant, not for the benefit, and on the will of the people, but on the breath of a mob. The hands of Briareus could not

which produced it. This is all that has, or can be ſeriouſly contended for; and is, what no man, who does not wiſh to enter into a literary combat, or conteſt on words, and phraſes, will attempt to deny.

exerciſe

exercise pens enough to answer arguments, changing their form like the fabulous Proteus, at the will of their inventors. But if any thing like a system can be drawn from such an heterogeneous mass, the leading principles of it must be, that—*the people are the fountain of all power; that they have a natural right of constituting and appointing their own governors; that they may impose such restrictions on those whom they appoint, as they shall then think proper; and to sum up the whole, that, in the imposition of such restrictions, no other argument is essentially necessary to their establishment, than the mere will of those who are the authors of them.*

To avoid every possibility of cavil, we will admit these to be the genuine features of what is called a free government: but though no objection may be made to such principles in their pure, unadorned state; yet, like the bible itself, and many other works of our forefathers, they have been gradually rendered less intelligible, by the ingenious labours of particular commentators. Though we admit the people, as the fountain of power, have a right inherent in them of electing their own governors, it does not follow they

are to be changed, depoſed, or murdered, according to the wild caprice of a mob, *or a revolution ſociety*, which appears to be a doctrine ſome *worthy* political writers have endeavoured to inculcate. If the people have alſo a right of impoſing ſuch reſtrictions as they pleaſe, on thoſe whom they elect, it is not to be inferred, theſe reſtrictions are to be added to, or encreaſed, after ſuch election has taken effect: it is placing the firſt functionary of the ſtate (as that is at preſent the raging, and popular term) in a worſe ſituation than the humbleſt member of it. Hiſtory, and experience ſufficiently teach us, it would be attended with no ſmall degree of riſk to his perſonal ſafety, for him quietly to reſign, or abdicate a ſtation, he no longer felt himſelf eaſy in the poſſeſſion of; and to continue in it, might probably reduce him to a ſtate of ſlavery, and ſubjection, the honeſt ſpirit of a man, though utterly devoid of arrogance, and illegal ambition, could not endure. To bring the ſyſtem of government nearer to the level of common underſtanding, it will be neceſſary to aſſimilate it to, and aſſociate it with, the ſimple actions, and occurrences of common life: neither party will

ſuffer

ſuffer degradation, while reaſon, and candour continue to direct the parallel. Any man poſſeſſed of an eſtate in fee, may grant, or give it away, to whom, and on ſuch terms, as he thinks proper. He may certainly chooſe, alſo, whether he will, or will not give it all; but the inſtant that grant has been formally executed, he neither can impoſe new conditions, nor reſume the eſtate while ſuch conditions as were originally impoſed, continue to be fulfilled by the grantee. Is it any argument in favour of a reſumption by this immediate and legal ſucceſſor, that the grant was unwiſely made? Long as the word, *illegally*, can be fairly kept out of the diſpute, the poſſeſſor may reſt ſecure in his title, and bid defiance to the clamours of diſappointment. If a man beſtows his purſe on the firſt ſtranger he meets, his former, and perhaps ill-tim'd liberality, would by no means juſtify him in forcibly re-poſſeſſing himſelf of it, though on the next inſtant; the analogy is too conſpicuous, to render any explanation neceſſary. The friends of republicaniſm, limited, or elective monarchy, or whatever other particular tenets they are pleaſed to avow, are reduced to the neceſſity

of

of either abandoning their firſt, and leading * poſition, " *that the people are the fountain* " *of all power,*" or acknowledging themſelves bound by the original act to the utter diſgrace of their preſent aſſumed and vainly aſſerted conſequence †. The only queſtions now to be aſked, are—Whether the convention of 1689 was conſidered by the people, who authoriſed it, as a legal, and proper

* Since, on the denial of that axiom—and the legality of the authority exerciſed by the delegates of the people after the abdication of James, every argument of right of altering, or as they are pleaſed to call it, *amending* the conſtitution, muſt of neceſſity be founded. The moſt favourite points of democratical doctrine, and the right in queſtion, are twin ſtars, that can never ſhine in the ſame ſphere. But zeal can reconcile abſurdities, and overcome difficulties inſurmountable, either by common ſenſe, or by fair argument.

† The ſelf-created conſequence of theſe political zealots reſembles that of a certain Polander, who having fled his country for ſome violent miſdemeanour, contented himſelf with exerciſing the humble ſtation of an oſtler, at a very inferior inn in Wales. Yet, in the midſt of his diſtreſs, he conſoled himſelf with the inward ſatisfaction of his own greatneſs, and perpetually boaſted to thoſe who paſſed any reflection on the meanneſs of his condition, that humble as he there appeared, were he in his own country, the election of a ſovereign might be annulled by his ſingle VETO.

repre-

repreſentation of the nation? Whether the power originally veſted in the people was transferred to that aſſembly? And, whether the people virtually bound themſelves to act in conformity to, and ſupport of their reſolves? Theſe being anſwered, as they neceſſarily muſt be, in the affirmative, the minor, and the conſequence may eaſily be drawn, by the ſcurvieſt logician of their whole party.

Long as the executive, and legiſlative powers, continue to fulfil that mutual contract * entered into at the revolution, neither one, nor the other, are ſubject to reproach, on the ſcore of national grievances, though the ſum of them were ten times more numerous than it is even pretended they are: they are not either individually, or even collectively competent to the reform of ſuch abuſes, be they ever ſo conſpicuous—the right of altering the government, is inherent in the people

* The actual exiſtence of this contract is clearly eſtabliſhed, by the declaration of rights made by both houſes of the convention, previous to the tender of the crown to the prince, and princeſs of Orange, and the prince's anſwer conſequent to it.

alone.

alone *. As the government is intended for the benefit of the whole, and not merely for that diminutive part of it which conſtitutes the government itſelf †, it is a power delegated by the people ‡ for a time only, and reverted to them, ſoon as the ſtructure was compleated. The Houſe of Commons cannot add to, or diminiſh the number of its members, any more than that of the lords, can iſſue patents for the creation of peers; which by long cuſtom, and acknowledged right is the royal prerogative. A parliament, aſſembled as ſuch, forms, in conjunction with the ſovereign, what is called government; it cannot, therefore, reform itſelf, but muſt

* En un mot, c'eſt evidemment à la ſociété qu'il appartient de regler la maniere dont elle veut etre gouvernée.

† Un gouvernement, quelqu'il ſoit eſt fait pour la nation, et non la nation pour le gouvernement.

Syſtem, Soc. Tom. II.

‡ Le gouvernement eſt la ſomme des forces de la ſociété dépoſeés entre les mains de ceux qu'elle a jugé les plus propres à la conduire au bonheur. D'où il ſuit évidemment qu'un ſouverain n'eſt pas le maître, mais le miniſtre de la ſociété, chargé de remplir ſes engagements envers les citoyens, et muni du pouvoir néceſſaire pour obliger ceux-ci à remplir les leurs.

Syſt. Soc. Tom. II. Cap. 1.

depend

depend on thoſe from whom it was originally derived. It may ſound well at a county meeting, and paſs for excellent oratory, to arraign the conduct of miniſters, and charge them with every private, public, and political vice, that can render the character of a ſtateſman odious. Theſe pretty harangues ſerve to pleaſe the fancy of the million, as much as the acclamations ſo frequently beſtowed on them, flatter the vanity of thoſe who pronounce them. But, grievous fate of popularity, built on ſuch a foundation! "*they fret, and ſtrut their hour upon the ſtage; and then are heard no more:*" They depart without rendering the leaſt ſervice to the cauſe of liberty, nor perhaps do they wiſh it, *other than by maintaining that of ſpeech.* It is not ſufficient to eſtabliſh the fact, that a man ſhall engage the attention of his hearers by *complaining* of abuſes: the proof of their exiſtence probably is not in his power, or if it were, it is moſt likely not within his intention *. He vainly attaches to his complaints,

* Le patriote Anglois n'eſt communément qu'un ambitieux, qui fait des efforts pour ſe mettre en la place des miniſtres qu'il décrie; ou bien un homme avide

plaints, the reſemblance of the ſword of Dionyſius, the thread once cut, and the danger remedied, or avoided, a miniſter might acquire that, his antagoniſts never wiſh he ſhould, *a life of peace, and tranquillity*. No honeſt man ſhould liſten to a *perſonal* partizan, or *opponent* of a miniſter, if we are to judge of a tree by its fruits; ſo are we to eſtimate the conduct of a ſtateſman by his meaſures. But by a ſtrange perverſion we direct our attacks againſt the man; his meaſures APPEAR to be totally out of the queſtion, for the man once removed, the favourite term of "*our bleeding country*," is laid aſide, and the new ſtateſman becomes poſſeſſed, as though they were inſeparably annexed to the office he fills, of every maxim of government he ſo vehemently complained of, when practiſed by his predeceſſor.

This may probably be thought a digreſſion, and ſomewhat irrelevant to the point we are

qui a beſoin d'argent, ou bien un factieux qui cherche à rétablir une fortune délabrée. Des patriótes de cette trempe ſont-ils donc faits pour prendre ſincérement á cœur les intérêts de leur pays?

Syſt. Soc. Tom II. Chap. VI.

endeavouring to inveſtigate. But it may, ſhort as it is, ſtand for a caution to thoſe, who have hitherto ſuffered themſelves to be too readily captivated by the exterior, without examining the ſolidity of the argument. Firſt, in the rank of objects expoſed to patriotic hatred, ſtands corruption. An idol worſhipped even by thoſe who affect moſt to deteſt it. An idol that certainly cannot exiſt independent of the will of the multitude, for it ſubſiſts merely by their depravity: it ſerves, however, as an admirable butt for patriots to ſhoot at, and many an eloquent ſenator would lament not having an opportunity of diſtinguiſhing himſelf as an orator, were the temple, and ſtatue of this deity, once thrown down. Whether we are at war, or at peace, it matters not; corruption is charged with contriving, and executing both with equal facility. If a popular candidate is unfortunate, in having over-rated the eſtimation in which he is held by his fellow-citizens, or a known friend of the miniſter ſucceſsful from the general good opinion entertained of him, they are equally indebted to this convenient, and verſatile goddeſs for the defeat, as well as the victory. She is ever

unfortunate. If the operations of an enemy are ſucceſsful, ſhe is ſure to be charged with occaſioning the diſgrace, though probably in no degree concerned in it. But if they are fruſtrated, though manifeſtly through her operations, ſhe is not applauded. Without her ſuppoſed exiſtence, the ſpirit of party would become vapid, and the people are, without knowing it, much indebted to her for their happineſs; as without hazarding an injurious reflection, it may be truly ſaid, they are never ſo well content, as when they have ſome *pretended* cauſe of complaint. She is equally eaſy, and familiar in the ſervice of either party; and however men may differ in other points of the political creed, they are unanimous (when occaſion demands it) in paying a proper adoration to her ſhrine. Take two bullets rough from the mould, their peculiar inequalities may ſerve to diſtinguiſh one from the other with eaſe. For the jeſt ſake, name one of them whig, the other tory, jumble them together for a while in a proper veſſel, and repeated colliſon, like the ſparring of party, will ſo poliſh the aſperities of both, as to render it impoſſible for the niceſt eye to diſtinguiſh, which is the em-

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blem of the favourite ſect.—To return to the more ſerious part of the ſubject. The members of the convention of 1689, in the hour of danger, and diſtreſs, when the liberties of the nation were intruſted to them as ſtewards, and they were to take eſpecial care, according to the ancient Roman maxim "*Ne quid detrimenti reſpublica capiat*," readily embraced a ſyſtem, which the wiſdom, and ſpirited endeavours of their forefathers had, through ſo many ages, been labouring to bring to perfection. A ſyſtem, which while preſerved in its primitive purity, and original form, had been, by the ableſt patriots, deemed after mature conſideration, moſt likely of any, then contrived, or thought of, to effect the general, and unequivocal happineſs of thoſe, for whoſe benefit it was compiled. The convention, however, conſidering the frequent diſputes between the legiſlative, and executive powers, occaſioned by the want of a proper deſcription, and definition of their reſpective boundaries, had the precaution, to uſe the words of a certain great ſenator, "*To ſtrengthen the flank of their capitulation.*" By the addition of ſuch peremptory, and defining clauſes, as were thought moſt likely to obviate the poſſibility

of cavil in future. Jealouſy ceaſes to affront, when matters of ſuch high concern are in queſtion; and the ſovereign who admits the duties of the prince, and the people to be reciprocal, will felicitate himſelf on their prudence. A ſtate liable to error, and diſpute, muſt ever, to a feeling mind, be that of anxiety, and the further it is removed from thoſe inconveniences, the nearer it approaches to happineſs, and comfort. It is needleſs to explain the ſyſtem itſelf, but it may not be thought equally ſo to deſcribe the probable motives that dictated the formation of its ſeveral parts; they may indeed be collected from the foregoing narrative, but it may not perhaps be diſguſting to the reader, to bring them again more immediately to his view.

The government of Britain, at the time of the revolution, was, as it is well known, compoſed of three eſtates; ſuppoſed to be poſſeſſed of different, and claſhing intereſts, in every caſe where the immediate ſafety of the nation was not concerned. This diverſity of intereſts was uſually held forth to the people as the guardian of the general liberties. They were taught to believe, that a due counterpoiſe being maintained by the

the mutual jealouſy between the parties, they would reciprocally guard againſt the encroachments of each other. This opinion has been by ſome treated with the utmoſt contempt, as too paradoxical to be admitted; while others have endeavoured, by every argument human ingenuity could invent, to maintain, and eſtabliſh it. Zeal has probably hurried both parties beyond the bounds of fair argument; but though neither may be entirely right, it may not (at leaſt by moderate men) be deemed paradoxical to ſay, they are neither eſſentially wrong. But of this hereafter. The three eſtates are, firſt, the Sovereign; ſecondly, the Houſe of Peers; and thirdly, that offspring of the feuds between the two former, the Houſe of Commons. As to the Sovereign, the firſt name in the firm of government, it is an eſtate of ſo ancient an origin, we feel ourſelves loſt when we endeavour to trace, with the ſmalleſt degree of preciſion, from whom it originally deſcended. That it is not peculiar to Britain, every hiſtory, from the Bible, down to the reign of Lewis the Sixteenth, bear ample teſtimony; the banks of the Ganges, the Danube, the Nile, the Miſſiſſippi, have all been witneſſes of that

pre-eminence, and power, lodged in the hands of an individual, either through compulſion, or conſent. The event, ſince called the conqueſt, was not introductive of any new, and original ſyſtem of government; the name of William was ſubſtituted for that of Harold; but Hengiſt, Egbert, Canute, Alfred, and every other of his predeceſſors, whether Danes, Saxons, or Britons, were, in every poſſible conſtruction of the term, monarchs, ſovereigns, and kings, as complete as the Norman himſelf. Ambition, and fear, neceſſity, convenience, and gratitude, have, on different occaſions, promulged the doctrine of obedience, which, when carried only to a certain, and due extent, every peaceable, and every honeſt man muſt join in admitting the propriety of.

It has been ſaid, we look with reverence to the *King*, and we obey his laws. In this effuſion of loyalty, the friends of the ſovereign have undoubtedly compelled their love to get the better of their underſtanding. It is impoſſible to fix an idea of reverence to a mortal being we never ſaw; and the laws are not his, but of the people. It had been nearer the truth to have ſaid, we reverence

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the high office of the magiſtrate we entruſt with the execution of our laws; we pay a due attention to the laws themſelves, and we neceſſarily reſpect the perſonal character of a man, worthy to be inveſted with ſo conſequential an office. But the reverence is certainly attached to the latter only. Mankind is too apt, particularly in the acts of writing, and ſpeaking, not to appropriate properly to perſons and things *. A common phraſe becomes proverbial, and then it is quoted as an uncontrovertible maxim. It muſt be admitted by all, that the law naturally flows from the people †. The veto allowed to the executive power, proceeds not from an acknowledgement either of a divine right, or one inherent in the office; but it is inveſted there by the nation, for the purpoſe of eſtabliſhing a candid arbitration between the two bodies into which the

* It cannot be the king by whom we are governed, (for he is not of *himſelf* competent to frame any ſtatute for the purpoſe,) but the law virtually eſtabliſhed and conſented to by ourſelves.

† Inaſmuch as all government by conſent is the creature of the people, they certainly exiſting before the government, and were the conſtituters of it.

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people are divided. It matters not to the executive power, in which diviſion of the community a propoſition for a law originates, but if the letter of the conſtitution is peremptory, as it is the duty, ſo will it be the conduct of the ſovereign, to reject any attempt * at innovation, or alteration, of what was *once* thought an wholeſome maxim. He is the equitable judge and arbiter between the two parties; he is unconcerned in any diſpute that may ariſe, and conſequently will be candid in his deciſion. Among the common phraſes that have grown into proverbial maxims, we find that of "*a King can do no wrong.*" This, undoubtedly, is *a certain truth*, but the uſual interpretation of it is derogatory, both to the dignity of the king, and the liberties of the people. "It is not the king," ſay the expounders of the phraſe, "that errs, but his adviſers, and miniſters, who poiſon his credulity, and are

* But this interference, though perfectly conſtitutional, would immediately be termed, by the advocates, and friends of the meaſure, as a certain indication of tyranny, and deſpotiſm. So prone is the mind of man to affix the moſt violent falſe conſtruction to an act, that in any degree thwarts its own particular humour.

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reſponſible for any meaſure that may be ſuppoſed to be inimical, to general freedom." Thus by degrading the perſonal underſtanding of the ſovereign, by reducing him from an impartial, and independent judge, to the tool of an ariſtocratical power, we create an *imaginary* reſponſibility in the hope of exciting, if poſſible, a more univerſal odium againſt perſons, whoſe office (we know not how, but like that of an executioner,) appears to have already raiſed every arm againſt them. That the king can do no wrong, we readily admit; *he can act only in conformity to the law, and that law proceeds from the will of the people.* He is no more cenſurable for enforcing that law, than a judge is to be arraigned for paſſing ſentence on a man, whom a jury of his countrymen have found guilty of any odious crime. The offices are perfectly ſimilar, and any perſon acquainted with the nature of one, need not be at a loſs in eſtimating the true function of the other.

A man born, educated, and continuing to live, in the remoteſt quarters of Northumberland, Scotland, or Cornwal, may poſſeſs as much *loyalty* as thoſe who breathe no other air, than that of the court. But that

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loyalty cannot proceed from an attachment to the *perſon* of the ſovereign *, any more than it can to that of the great Mogul; they both ſtand in the ſame relation, (*perſonally*) to the affections of his mind, whether of love, or hate. We muſt of courſe reſort to ſome other cauſe, for the uſual tender of his life, and fortune, in ſupport of a perſonage thus indifferent to him. That cauſe may be eaſily traced to the ſecurity he experiences under the eſtabliſhed government, the confidence in the continuance of that ſecurity, and the dread of any innovation that may bring it into danger.

It has been invidiouſly ſaid, by the friends of democracy, "*If we aſk the farmer, the*

* With the lords who compoſe his houſehold, and others who are, as it were, in the habits of intimacy with him, it may be otherwiſe. The emperor of China is ſeldom beheld by his ſubjects in general; yet few reign more peaceably or more beloved. There are Indian nations, whoſe monarch is ſo inacceſſible, as to render it a matter of doubt with many, whether any ſuch perſonage exiſts. Yet in all probability this very people would unanimouſly take up arms in defence of *the very phantom* of majeſty. The bare knowledge of an exiſting power is ſufficient among moderate men; they are conſcious of its neceſſity, and therefore contribute to its ſupport.

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manufacturer, the merchant, the tradeſman, and down through all the occupations of life, to the common labourer, what ſervice monarchy is to him? he can give no anſwer. If we aſk him what monarchy is, he believes it is ſomething like a ſinecure. This is begging the queſtion. It is dogmatically aſſerting and publiſhing the ignorance * of the majority

* This ſuppoſed ignorance of the inferior members of the community, is too arbitrarily taken; it is like the aſſertion of a very well meaning, though miſtaken Iriſh biſhop, that ALL the Catholics were kept in the groſſeſt ignorance by their prieſts (*becauſe one individual, rather uninformed, had fallen in his way*). The ſtory is not long, ſo for the ſake of its applicability and the quaintneſs of the anſwer, (irreligious as it might be) made to it; take it at full length: "A certain Iriſh Catholic," ſaid the biſhop, "came to me, wiſhing to qualify himſelf for ſome particular office, by abjuring the errors of his former perſuaſion. I thought it neceſſary," continued the good biſhop, "on that occaſion, to make ſome inquiry touching his faith; and as an introductory queſtion, aſked him, what was his idea of God? The Catholic amazed, profeſſed he had never heard of ſuch a being!" What, rejoined the biſhop, ſtill more amazed: "nor of Jeſus Chriſt?" O yes, anſwered the Catholic, I pray to him daily."——The place where the biſhop related this ſtory, was a bookſeller's ſhop, and among the perſons preſent was a well known wit, (ſtill living), inter-

rity of the community, in the wiſh of eſtabliſhing a falſe fact. In the firſt inſtance, the power exerciſed by the king of Great Britain, is not that of a monarch. Reduce the major to truth, by ſubſtituting the term ſovereign or king; and the anſwer to it, ſhall, like Ithuriel's ſpear, exhibit that demon Faction in his juſt, and natural ſhape. In the ſecond inſtance, although the ſeveral deſcriptions of perſons juſt quoted, ſhould be alike ignorant of the nature of government, the conveniences, and advantages they derive from it, *unconſcious of the obligation*, yet the want of ſuch knowledge (admitting it to be a fact) by no means proves the *non-exiſtence* of thoſe conveniences. Is the farmer, the manufacturer, the merchant, the tradeſman, or the labourer, who returns ſuch an anſwer, content to depend on the vigour of his own arm, for the maintenance of his freedom, and *the protection of his property?* Is he aware of the natural dependence of both, on what is called

terrupting the biſhop at this part of his ſtory, What, ſaid he, my lord, had he never heard of *by G—, nor G—d—n me.*" He certainly muſt have been the moſt ignorant fellow that ever exiſted. The effect of this *irreligious* retort may better be imagined, than deſcribed.

government, of which government, the ſovereign (or as he is ignorantly ſtiled by democracy, *the monarch*) forms only a paſſive part, yet, at the ſame time, indiſpenſibly neceſſary to regulate the motion of, and complete with energy, and effect the intention of the active conſtituent powers. Would the farmer wiſh his neighbour's cattle ſhould be permitted to treſpaſs on him, without any further power of recovering ſatisfaction, than what might be the efflux of that richer neighbour's equity? Would the manufacturer be content, to have his warehouſes plundered, or the receſſes containing the valuable ſecrets of his trade, forcibly entered, and examined, by the advocates for equal rights, and univerſal freedom? Will the merchant, or the tradeſman, diſtribute their commodities gratis, or ſubmit to have them plundered, by the enemies to the cuſtoms, and exciſe? or, will even the poor labourer, happy at preſent in his humble ſtation, be ready to yield up a moiety of his ſcanty pittance, to the antagoniſts of general warrants? Will all theſe different claſſes of them, or the ſeparate individuals of thoſe claſſes, wiſh each to be their own legiſlators, judges, and executioners?

ers? Will they be ready to encounter all the dangers, and difficulties attendant on a ſtate of equality, where (as they neceſſarily muſt be) civil diſtinctions * are utterly unknown? Till theſe queſtions are all anſwered in the affimative, neither the farmer, the manufacturer, the merchant, or the reſt of the aſſociation, though they may be *ignorant* enough to be unconſcious of the benefits attendant on a properly limited ſovereignty, can frame any argument refuting the neceſſity of it.

The ſplendour of the king's income forms another grand object of diſlike. The friends of democracy either cannot, or will not, diſcriminate, between the public dignity of a nation, and the magnificence of a mere noble. Conſider the perſonage in his abſtract capacity as a mere man, ſuch a grant might be deemed an unneceſſary act of profuſion; but in the perſon of the ſovereign, the magnificence diſplayed in the execution of his office, is transferred from him, to the na-

* Nothing can be more contradictory to itſelf than the democratical creed; it denies the exiſtence of diſtinctions; and yet on ſome occaſions will, when hard preſt, admit civil diſtinctions to be neceſſary.

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tion, whoſe decrees he fulfils. Of what advantage is it to him to be drawn by eight horſes, when every other perſon in the country uſes only ſix? Does he derive any additional comfort, by always (at leaſt on ſtate occaſions) being preceded, and attended by a train that muſt render the performance of his ſeveral functions rather irkſome, than pleaſant? Yet long uſage, and human prejudice have rendered this pageantry, as it were indiſpenſibly neceſſary, in order to elevate the ſovereign in the opinion of that well known public body which has of late aſſumed a nominal co-dignity (*the majeſty of the people*) into ſomething more than man. Whether attended by his guards, ſurrounded by his noble attendants, or endeavouring to unbend his mind from the fatigue of public buſineſs, by a private, and ſolitary walk, he is equally king. Neither ſplendor, nor œconomy, magnificence, nor parſimony, can exalt him into more, or degrade him into leſs. Should the national ſtipend be fixed no higher than what is enjoyed as an income by many of the people, he would not be leſs a ſovereign than he is now, in poſſeſſion of his annual million. What are called civilized nations, we will

not pretend to ſay, whether wiſely, or no, have united in their idea of the propriety, not to ſay neceſſity of a ſplendid exterior, and to deviate from the cuſtom, would inſtantly be thought to derogate from the honour.

Many individuals, who are perhaps among the loudeſt in their clamour, may be enrolled in the number of objectors, through prejudice, miſinformation, or the want of any information at all. Do thoſe who affect to condemn the extravagance of the revenue, conſider the almoſt infinite number of drawbacks, for the payment of various officers, that no more contribute to the *perſonal* ſplendour of the ſovereign, than they do to that of the cham of Tartary? Officers that are *indiſpenſibly neceſſary to the nation*, and to that only. The chancellor, the judges, the ſecretaries, the ambaſſadors, and the various other officers introduced to the knowledge and acquaintance of the *country* gentlemen, by that wonderful magazine of uſeful information, generally diſtinguiſhed by the facetious appellation of the *red book*, may be eſtimated by the farmer, the manufacturer, and the reſt of the aſſociated corps, as form-

ing a part of the train peculiar to royalty, when the fact is, it bears them no other perſonal relation, than that of being *graciouſly* permitted by its *co-equal in title* (the majeſty of the people) to retain the nomination, and appointment of them. Should they have grown old in the ſervice of *the ſtate*, ſhould they have ſerved it with the utmoſt fidelity, and wiſh to retire with impaired faculties, and waſted health, the king cannot *reward*, or even provide them a competent maintenance, ſhould ſuch proviſion be neceſſary to their exiſtence, without the leave and concurrence of the repreſentatives of the people. By a glorious effort of liberty, we have effected a reſtraint on the liberality of our prince, conſonant only to the condition of a lunatic, or an idiot. As we have thus deprived him of the power of being profuſe, the charge of extravagance, if any yet exiſts, is transferred from the prince to the people, whom he has thus conſented, ſhould become his guardians, and when the ſeveral defalcations of ſuch expences, as are totally irrelative to his own perſonal dignity are made, the reſidue of the revenue will perhaps appear not more than competent, to the ſupply

of what may fairly be deemed his *neceſſities*.

We have heard much of the œconomy of a late northern potentate, his ideas of grandeur were confined to the *number, and proweſs of his dragoons*, ſo the poverty of his wardrobe is not to be charged to the *patriotiſm* of his heart, *but the fever of his brain*, overheated with ſpeculative ideas of divine right, and unqualified ſubjection. It is diſgraceful, not to the ſovereign, (for he is not permitted the management of his own eſtate), but to the people his guardians, to ſuffer ideas of œconomy to degenerate into thoſe of miſery; there is a manifeſt difference between a prudential attention, and a parſimonious reſtraint: the latter amounts to a direct charge, while the former is indicative of patriotiſm, and public ſpirit. Born of diſtruſt, and nurtured by the food of ſuſpicion, and diſcontent, *democracy* may glory in reciting her catalogue of ſuppoſed evils, but all theſe, to which even the ſhadow of exiſtence can be affixed, may eaſily be traced to the firſt cauſe, not the delinquency of the ſovereign, or defect in the conſtitution, but the depravity of the people themſelves. Cure that, and the ſuppoſed influence vaniſhes like

like a ſprite. The wants of the prince ſhould not be provided for like a pariſh contract. Every reſtaint of this nature indicates a jealouſy joined to a ſordidneſs of ſentiment, that cannot fail being productive of diſcontent at leaſt. Avarice may be numbered among the worſt vices that can attend royalty, and every ſtep that may lead, to the practice of it, ſhould be diſcouraged, not promoted; it is the parent, and foſterer, not the diſcourager of deſpotiſm. As an infectious diſeaſe it may eaſily be transferred from the people, to the prince, and every means ſhould be attempted to ſtop the progreſs of the contagion. There is a certain medium, diſgraceful to neither party, but when reform, and undue influence are the word, and counterſign, the political cohort is animated with the ſame degree of enthuſiaſm in civil matters, a legion of military veterans would be, by that of *bayonnette*, and *Briton ſtrike home*. No quarter is given, the civil zealot deſtroys every diſtinguiſhing privilege, every exterior of magnificence that marks the perſon, and office of a prince, and becomes, like the furious ſoldier, who, as a teſtimony of his bravery, and to prove his own contempt of

death, permits neither the age, ſex, nor condition of thoſe he calls his enemies, to excite any *fooliſh* compunctions of pity, and benevolence.

Among the objections ſtarted to kingly government, by the partizans of republicaniſm, appears one, which, from the futility of it hardly deſerves an anſwer. It is a mere quibble on terms, but according to the old proverb, drowning men may catch a ſtraw, and the baſeneſs of a cauſe is perhaps in no way ſtronger evinced, than by the complexion of the petulant arguments urged in ſupport of it. The terms, and tenor of royal phraſeology (ſays the republican) ſufficiently prove an exiſtent, and actual deſpotiſm. Let us examine the truth of the poſition. No man, however violent in his principles, can refuſe his ſubmiſſion to the law itſelf, that law muſt of neceſſity be enforced in all countries, by a defined, and oſtenſible power, inveſted either in a ſingle perſonage, or in a corporate body, differing in ſize, and extent, according to the pleaſure, or caprice of the founders of the different conſtitutions; but the relation born by that power to the law, is in all inſtances the ſame. In all civilized

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nations, whether flowing from the monarch as the ſummit of juriſprudence, or entruſted to him by the people who are the authors of it; the law claims priority of rank; and for this reaſon, though to be conſidered as a viſionary phantom while exiſting only *in the brain of the abſolute prince*, and the mere creature of his ideas, yet when once promulged, it becomes a binding act to the monarch himſelf, till he is pleaſed to revoke, or annul it *. This is a poſition not to be controverted, and its right of precedence in every government, ſhort of being monarchical, is an eſtabliſhed *democratical* truth. Now as the law is to be conſidered as a dormant power, till raiſed into activity by the executive arm, the two being thus united, the dignity, and conſequence of the former are transferred, and centered in the latter. If the monarch (according to the literal definition of the term) calls the people *ſui juris* his ſubjects, the limited ſovereign of a free nation, deriving his ſplendour from the

* As it is the ſtandard of right he expects his people to act up to, and no government can exiſt without ſuch criterion, either moral or political, being eſtabliſhed, and known.

law *, adopts the ſame term, not in his own right, but that of the venerable matron, to whom he is wedded, and whom he is bound to defend.

A deſcendible, and hereditary royalty, appears as another ſerpent in the way of furious republicaniſm, nor is it the ſmalleſt matter of marvel that it is ſo. A ſtaunch republican is by nature a friend to tumult †, as a Mahomedan is to polygamy; it is on ſuch occaſions only, that the abilities of the former expand themſelves, and he feels himſelf as elated in the exerciſe of his talents, as the Turk is by the ſplendour of his haram. He diſdains the political matrimony of the nation, and the ſovereign, it is too domeſtic a ſcheme for the libertiniſm of his conſtitution, he prefers the riotous *dominion* of one, or a ſcore *temporary* miſtreſſes, becauſe forſooth they are liable to be depoſed, or put away

* Poteſtas regis, eſt poteſtas legis; (*Bracton de legibus angliæ.*

† La democratie, en proie aux cabales, á la licence á l'anarchie, ne procure aucun bonheur á ſes citoyens, et les rend ſouvent plus inquiets de leur ſort, que les ſujets d'un deſpot ou d'un tyran.

at the will, and caprice of their keeper, not conſidering it is the maxim of this, and every other kind of concubinage, to conſider the hour of favour as precious, and to think every moment thrown away, that is not ſpent in the plunder of the credulous, and unwary. An hereditary government, inſtituted by a nation, owes not its eſtabliſhment to the mere attachment of the nation, to the perſon, and family of the ſovereign, but to a general regard to internal peace. The promoters of the bill of ſettlement, could have no predilection in favour of a perſonage, at that time not in exiſtence; nor can the politicians of the preſent day, pretend loyalty, and love to the *lineal* deſcendant who is to reign two centuries hence. The friend of hereditary government, provides for the peace of poſterity; the advocates for an elective one, regard only their own conſequence, and ſuffer future tranquillity to be abſorbed in the paltry vanity, and expectation of a momentary flattery, or the power, and pride of exhibiting as ſhort a ſcene of *inſolence*, or *depravity*. But, ſay the advocates for an elective government, What ſecurity is there under that which is hereditary, that a perſonage

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ſhall not ſucceed to the throne, who, from the imbecillity of his mental faculties, the falſe prejudices of education, or other cauſes, ſhall be ſo inadequate to the truſt as to make it dangerous to inveſt him with ſo high a function. This is ſhifting the ground, and in their turn providing, in wonderful care for poſterity, evils, and misfortunes that never may exiſt, or if they ever do, are to be remedied without endangering either the liberties of the nation, or its political reputation. From the inſolent terms in which the arguments againſt hereditary government are in general drawn, a man unacquainted with hiſtory might be naturally led to conclude, that idiotcy, deſpotiſm, or both, were the conſtant attendants of royalty. A prince is certainly no more exempt from, nor on the other hand is he more liable to, the frailties, weakneſſes, and vices of human nature, than the reſt of his ſpecies. And pity would not be ſufficient to hide the defects of the one, nor divine hereditary right, able to ward off the diſgrace of the other. Republicaniſm is fond of indulging ſpeculative ideas, eſpecially when they inculcate diſtruſt, and the *hope* of danger; ſhe would rather

rather alarm the timid, than comfort the diſtreſſed. But while on one ſide of the medal, ſhe points out imaginary ſlavery, and fictitious ruin, ſhe dares not exhibit to our view the reverſe, on which, in the ſpecious diſguiſe of patriots, rapine, murder, and all the horrors attendant on civil war, appear in the act of leading their deluded followers to that moſt glorious of all acts of human governmental liberty, "THE ELECTION OF A SOVEREIGN." Men of broken, and deſperate fortunes may augur advantage to themſelves from ſuch a ſyſtem, but the friends of public tranquillity, and thoſe whoſe condition is capable of injury, will readily forego the ſplendid advantage of their *veto* for the more ſolid ſatisfaction of having the coronation of the prince unaccompannied (to give it no worſe an attendant *) by the unmerited enrichment of his avowed friends, on the ruin,

* Dans quelques nations la couronne eſt *élective* la puiſſance royale ne paſſe point aux deſcendans de celui qui la poſſede. Mais les élections des rois, accompagnées de factions, de troubles et de guerres deviennent pour lordinaire des époques très fatales á la tranquillité des peuples.

Syſt. Soc. Tom. II. Chap. 2.

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and public proſcription of his reputed enemies.

The laſt and concluding objection to kingly government is of a ſtill more curious complexion, than any that have ever yet been ſuggeſted, not content with the petty oppoſition of political argument alone, religion is thrown into the ſcale, to ſerve, as what is vulgarly called a make-weight. Admitting the caſe cited in its full force, it were difficult to contrive the application of it. We know of no connection that ſubſiſts between the ancient inhabitants of Judea, and thoſe of Great Britain, the ſame authority that denounced *Saul* a * ſcourge to the people, might with

* Free thinkers are fond of attributing the introduction of kingly government among the Jews to the tyranny of the prieſts, and the curſe denounced againſt that form of government, not to divine diſpleaſure, but to the diſappointed ambition of the prieſts alſo.

Fatigués du joug inſuportable qu'impoſoient les miniſtres du roi théocratique; et tourmentés par les brigands que les déſordres de la police avoient produits dans toutes les contrées, les hommes cherchérent enfin á ſe mettre á l'abri de tant d'ennemis en réformant leur gouvernement; ils penſérent qu'il n'y auroit pas de meilleur moyen que de revenir á l'unitè, en remettant entre les

with equal juſtice have been quoted in the caſe of Oliver Cromwell. But Cromwell was not a king. When argument deſcends to a petulant quibble on terms, and titles, it may tend to exhibit the ingenuity, and inventive faculty of a political writer, but cannot in any degree contribute to illuſtrate the point in diſpute. Moſes himſelf conſidered in a political light was as much a ſovereign as Saul, and however the ceremony of anoint-

les mains d'un ſeul toute l'autorité qu'avoient exerceé juſqu'alors les familles ſacerdotales.—Again,

Pour démêler ici les motifs de cette étrange conduite de *Samuël* et de ſon peuple, et prévenir l'idée qu'on ſeroit prêt d'avoir, qu'il y a eu des nations qui ſe ſont volantairement et de propos délibéré ſoumiſes á l'eſclavage, il faut ſe rappeller ce que j'ai dit précédemment, que les hommes en rejettant le miniſtère des prêtres, n'abandonnérent point pour cela le plan du gouvernement théocratique, dans lequel on repréſentoit le dieu monarque par des ſymboles. Ce ne fut alors que le ſymbole que l'on changea; au lieu de ces différentes figures muëttes ou inanimées qu'on alloit conſulter, et dont l'ordre ſacerdotal avoit abuſé, en les faiſant parler ſelon les intérêts, on voulut avoir un ſymbole actif et vivant, qui poſſédant par lui-meme l'organe de la parole, fit connoître, par une voie plus courte et plus directe, les ordres du Dieu monarque.

Rech. Sur. le Deſp. Sect. XII.

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ing the latter *king*, *might be contrary to divine will*, in nothing altered, the relation born by the people to their *leader*, by what term, or title ſoever he was diſtinguiſhed.

The teſtimony of divine diſapprobation is at beſt only *partially* eſtabliſhed. If a regal form of government was diſpleaſing to the ſupreme Being, it muſt be uniformly ſo, and yet from the ſame ſacred record that denounced vengeance on the choſen people, at the hour of exalting the *firſt* of the line of kings, we may learn their happineſs, and comfort, under various of his more fortunate ſucceſſors, and all evidence muſt be taken in the aggregate. The origin of regal government is much more remote than the time of Saul. Nations who never heard of his exiſtence, have paſſed near half a century of ages without experiencing any proofs of divine wrath, or diſpleaſure. Neceſſity would ſoon ſuggeſt the propriety, and convenience of the form, though reaſon, and prudence ſhould be dilatory in pointing it out *. The inventors, and

* Le gouvernement monarchique doit être regardé comme le chef d'œuvre de la raiſon humaine.'

Boulanger Rec. du Deſp.

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propagators of the idea, appear to have been endeavouring how abſurd (not to ſay blaſphemous) they could render themſelves, as without any diſreſpect to the original text; it no more relates to any of the various forms of regal government, eſtabliſhed in Europe at the preſent day, than the prohibitory edict againſt eating ſwine's fleſh, or that enjoining circumciſion, have to do with the tenets of the Chriſtian religion. It is not the part of, neither is it decent in a political writer, to blend theological controverſy with civil diſputes, or it would not be a long, or difficult attempt to ſhew, that the divine diſapprobation of the firſt eſtabliſhment of regal government among the Jews, aroſe from cauſes totally unconnected with the exiſtence itſelf of that form. Laws, and governments too, but particularly the former originated in the depravity of the human race. Had it been its nature to have preſerved that purity of conduct, which we muſt believe it inveſted with in the original intention, laws and governments had continued uſeleſs, and unneceſſary, both to the preſervation of the public peace, or general happineſs. But as mankind improved in

ſcience

ſcience and conſequently in depravity, by ſo much did the neceſſity of laws and governments encreaſe. We are taught to believe, that all nations, the Jews excepted, had thrown off, by their idolatry, their allegiance to the ſupreme Being. The Jews were *the choſen people*, acting while in their ſtate of purity, under the immediate influence of the ſupreme Being. His diſapprobation, therefore, of the choice of kings, is not to be taken as any diſlike to the form, but that the depravity of a people ſo favoured by him, ſhould render ſuch a form neceſſary. Almoſt all other governments were originally founded in theocracy, and all monarchy ſprung out of the ruins of that general ſyſtem; ſo that however we may lament the irreligion, and abſurdity of mankind, in attributing to beings of their own ſpecies, honour, and devotion due to divinity alone, we may eaſily trace the attachment to the form in its degenerated ſtate, to the true traditional reverence, they, without knowing it, continued to preſerve for that which had been the parent of it. With the Jews it was otherways: their conſtitution, if it deſerved that name, was a re-

republic of monarchs *, the patriarchal government approaching nearer to that kind of ſyſtem than any other which can be imagined or defined: to this ſucceeded a perfect theocracy, and the partial curſe inferred to be denounced againſt that people on the introduction of regal government, aroſe not from any divine objection to the form itſelf, but as it tended to the introduction of an idolatry derogatory to the honour of the ſupreme Being.

There are at this very hour many nations (Pagans), who know nothing of revealed religion, but are governed by as complete a theocracy of their own, as any that ever exiſted; yet they are not in any degree happier than the ſlaves, or the deſpots who ſurround their territories: nor would the very ſlaves, who maintain thoſe deſpots, change the imaginary miſery of *their* condition, for any ſuppoſed pre-eminence, an alteration of their internal polity could give them. Such is the prevalence, and as ſome

* Le gouvernement domeſtique des premiers hommes a encore été regardé par pluſieurs politiques, comme le principe originel du deſpotiſme. Un pere, chef de ſa famille, en eſt diſent ils devenu le roi et le deſpote.

Rech. ſur le Deſpot. Sect. 1.

may think, the folly of cuſtom. All that can be maintained fairly, by the moſt rigid aſſerter of revealed religion, is the divine diſapprobation of regal government, in the particular inſtance *of the Jews only:* in no other is to be collected either from proof, or inference. It has been attempted of late, by garbling the text, and adding a jeſuitical expoſition, and comment of our own, to extend the idea of that diſapprobation over the ſurface of the whole earth; and that book (for whoſe contents, if we profeſs the ſmalleſt degree of reſpect) which ought never to be quoted but with the greateſt reverence, and caution, has been fulminated from pulpits, and temporary roſtrums, in the hope of anſwering the baſe purpoſe of exciting *diſcontent, ſedition, and rebellion*; but the fallacy, and infamy of the attempt, is too groſs to require any other aid to its condemnation, than that of its being known.

It has given much offence to the ſpirited, and ſtaunch friends of republicaniſm, becauſe a late political writer has aſſerted "*that the king of Great Britain holds his crown in contempt of the revolution ſociety.*" The phraſe may perhaps be couched in terms rather uncivil, and appear to degrade the high

high-flown conſequence of SO GREAT A SENATE. A leſs forcible writer might have endeavoured to palliate, by luke-warm phraſes, the *dignity* of his ſentiments; he might have wiſhed to avoid every chance of literary encounter with ſo furious an hoſt; it requires a more than common degree of fortitude to attack either a thorough-pac'd republican, *or a mad dog*, ſo that a man more prudent or timid than Mr. B. might have contented himſelf with ſaying, "*the revolution ſociety poſſeſſed not the ſhadow of a power to alter the conſtitution;*" that it was the moſt ridiculous of all aſſumptions for a motley ſelf-conſtituted ſociety of two, or three hundred perſons, to attempt dictating to, or even adviſing a community, conſiſting of eight millions of their equals; that the attempt might become the ridicule of the active governing power, but never could riſe into dignity enough to excite its reſentment. The temper of the times, the coincidence of various events, and what is called the liberty of the preſs, have given birth to a variety of ſpeculative ideas. The friends of anarchy, republicans, and thoſe who call themſelves *revolutioniſts*, may from their endeavours to

frame what they think perfect ſyſtems, and their reiterated, though fruitleſs attempts to overturn, or at leaſt, diſturb the peace of eſtabliſhed government, derive ſatisfaction, and amuſement; their viſionary projects may be ſo perpetually floating on their minds, that in time they themſelves actually believe their excellence, and practicability: but ſuch ſyſtems are pleaſing, and intelligible only to zealots, as (without meaning any inſult to ſcience) the fanciful figures depicted in the heavens are traceable by aſtronomers alone.

So much for the firſt of the three eſtates, one common to all countries, and what muſt be admitted even by its bittereſt enemies, to have been more productive of public and general happineſs, than ariſtocratical influence, or the *philanthrophic* ſway of democracy.

The other two eſtates are not ſo univerſal, many countries boaſt not the ſmalleſt trace of them; and of the many emblematical pictures of liberty pretended to be exhibited by various nations, none perhaps can vie with that of Britain, for ſtrength of compoſition, and delicacy of colouring. The ſecond eſtate, or Houſe of Lords, may eaſily be traced as the offſpring of thoſe creatures of monarchy,

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who firſt formed, and then with all the fickleneſs of childhood, deſtroyed the dolt, they ſo ſtrenuouſly had laboured to ingender. It is a natural principle for men who are in the habit of dictating, to frame ſuch conditions for themſelves as are moſt advantageous, and agreeable to them. It ceaſes then to be a wonder, how a temporary honour derived from a tenure dependent on the mere will of the ſovereign, ſhould exalt itſelf into a permanent, and hereditary right, not only to govern the inferior ranks, and orders of people, whom they had ever been accuſtomed to conſider, during the temporary, and fluctuating poſſeſſion of their honours, as their ſlaves, and vaſſals, but alſo the perſonage himſelf, from whom thoſe honours were originally derived. As for their natural right, it was derived as much from the extent of their poſſeſſions, as their perſonal proweſs; the right might exiſt without the latter, but romantic as the ideas of our anceſtors were, on the ſcore of genealogy, the latter never was ſuppoſed to be independent of the former. The worldly intereſt in the welfare of a ſtate, is the beſt ſecurity for a man's attachment to it, and forms a reaſon more, or leſs plauſible

(not to ſay cogent) for admitting him into a ſhare of the adminiſtration of the general concern, according to the quantum of his poſſeſſion. It is cutting the matter ſhort at once, and attempting to eſtabliſh a dogmatical ſyſtem of natural rights at the expence of reaſon, to ſay that a man poſſeſſed of only forty ſhillings a year, is equally entitled to a ſhare in the legiſlature with one poſſeſſed of as many thouſands; it may ſound very pretty in theory to advance ſuch a propoſition, but there are myriads of reaſons (not repugnant either to liberty, or natural rights) that oppoſe its being reduced to practice. Democratical principles cannot ſeparate moral rights, from political inſtitutions, or if by chance they do ſeparate them, they are ſure to condemn ſuch inſtitutions, as ſubverſive of thoſe rights, without ever troubling themſelves to examine the propriety of the charge. Morally ſpeaking, WE are ready to admit the *unity of man*, or in plainer Engliſh, *the general equality of all mankind* in the fulleſt ſenſe; it is the characteriſtic of every political inſtitution; it is not, that the laws ſlide into this principle, but the principle itſelf is the leading feature

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of all law. Is there a crime exiſting, to which, according to the principles of law, a leſs puniſhment is attached, becauſe committed by the nobleſt, and moſt eminent ſubject in the kingdom, than would be exacted, under ſimilar proof, from the meaneſt peaſant? The life, the property, the perſonal freedom of the wealthieſt, hereditary noble, are protected, forfeited, and controuled, by the ſame code, that affords ſecurity to the humbleſt follower in his train. If policy, or (to affix the worſt term to the firſt cauſe) ambition, have thought proper to divide communities into different claſſes, the Britiſh law diſowns ſuch diſtinctions, and the democratical inference of the impropriety of their political exiſtence, drawn from the impartiality of thoſe laws, though it by no means reaches the caſe in the deſired extent, is perhaps the moſt perfect eulogium that could be contrived on the conſtitution itſelf. As deſpotiſm might through neceſſity feel its advantage in emancipating its principal ſupporters from the terrors of equal juſtice; ſo freedom, from a regard to her own preſervation, abhors the idea, and firmly adheres to half the ſymbol, attached by the ſculptor

to the ſtatue, while tyranny, and oppreſſion, are happy in contenting themſelves with what ſhe has left. Under the auſpices of deſpotiſm, Strafford might have been acquitted, or Hampden condemned; yet the experiment was deemed too dangerous to be attempted, and no greater proof can be adduced of a ſtate of general freedom, than the ſtrain, and ſpirit of a nation's law, of which it may be truly ſaid, that like death "*Æquo pulſat pede pauperum tabernas regumque turres.*"

Democracy has frequently been pleaſed to term the Houſe of Peers, the creature, and ſupporter of abſolute monarchy. Nothing can be more invidious, and unjuſt than ſuch an aſſertion; its very origin, the circumſtances, under which its *political exiſtence as a body corporate*, was firſt derived, not only militate moſt ſtrongly againſt it, but eſtabliſh a fact diametrically oppoſite: democracy will immediately rejoin, "*Tempora mutantur, et nos mutamur in illis,*" in vain we ſearch in the Houſe of Lords of the preſent day, for the free, open, and hardy baronial ſpirit, that curbed the tyranny of John, and gave laws to the ſovereign, both in the cabinet, and the field. But this

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with many other vague, and theoretical opinions will be found totally deſtitute of candour and truth. The Houſe of Lords cannot, as a corporate body, commit an act of conſtructive treaſon. No oppoſition to, or peremptory refuſal of admitting a meaſure known to be congenial to the wiſhes of the executive power, can be interpreted into rebellion. So wary, and jealous are we of our national rights, ſo tenacious of the perfect independance of the legiſlative powers, that the man who ſuffers the moſt diſtant hint, even of the inclinations of the executive, to eſcape him, is deemed little leſs than a traitor to the nation, and every conſideration inſtantly gives way to the univerſal cry of *privilege, privilege*. There are certain homely truths relative to individuals, that ſufficiently prove their *disjunctive* independance; taken collectively, it cannot poſſibly be queſtioned. Whatever adulation a man may have been guilty of, whatever ſervice he may have endeavoured to render the cauſe of deſpotiſm, previous to his admiſſion into the Houſe of Lords, the inſtant that ceremony has taken place, the cauſe, and neceſſity of his former purſuits immediately ceaſe, and he becomes

as though by inchantment perfectly free, and independant. It is begging the queſtion to ſay, a baron may ſtill have higher views, and by a ſtrange perverſion of ideas, ambition may prompt him, ſtill to convert a noble into a *vaſſal*, in the laudable hope (pardon the paltry pun) of acquiring what moſt of them may want, "GRACE;" it is almoſt needleſs to ſay, that as members of the legiſlature, the conſtitution knows them only as barons, and the man who would barter away his independence for an ideal dignity, conferred by an alteration of what is little better than an empty ſound, a name by ſome uſed only as a term of ridicule, and reproach, is neither worth the purchaſe of the ſovereign, nor the regard of his fellow-citizens. Dignity, and reſpect are not derived even among the friends of ariſtocracy, from the addition of duke, or lord, but from the privileges and pre-eminence they poſſeſs as peers. As natural members of a legiſlative body, they acquire in conſequence of their hereditary office, a medium ſtate between the ſovereign, and the body of the people, and however ambitious men may naturally be, of acquiring that authority which gives them precedence before every per-

perſon, not participating of it; the *locus ſuperior inter pares*, the higheſt ſeats in the ſynagogue, the paltry gratification of walking laſt in a proceſſion (which is the only one we know of attached to what is called *ſuperiority of rank*) can never be admitted as a ſufficient incentive for the bargain, and ſale of a man's individual freedom, either of actions, or ſpeech *. Another objection made to the government of Britain is, that it is in

* Of what concern is it to the people, that a man wiſhes to ſubſtitute one name, or title for another, or is better pleaſed in having a certain emblem of his dignity decorated with leaves, inſtead of points. A ridiculous vanity of three, or four perſons, admitting them to exiſt, does not create the bondage of a nation, and we cannot admit mankind ſo far improved in folly, that at the agitation of a queſtion of REAL moment to freedom, a man ſhould *eventually* labour for his own deſtruction. A patent of peerage certainly cannot deprive a man of the uſe of his reaſon, till it is proved that it really does, the grand argument of democracy will be found to have but little foundation in propriety. Under the moſt deſpotic governments, titles have been ſo hackneyed, as to become ridiculous to a proverb; and the petulant quibbles of republicaniſm, rather reſemble the envious grief of childhood, whining for the acquiſition of a uſeleſs, though gilded toy, becauſe poſſeſſed by another, than the open, and honeſt firmneſs of manhood, eager in the purſuit of what may render its future life happy, and comfortable.

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part compoſed of an HEREDITARY nobility; in this point democracy certainly deſerts all reaſon. In order to anſwer the purpoſe of argument, by attaching a more conſiderable ſhare of gratitude to the human breaſt than probably it poſſeſſes; ſomething like an inference may perhaps be drawn of the dependance on, or attachment of a man holding only *life* intereſt in his honours, to the wiſhes of that perſonage who was the author of them; but he who is hardy enough to aſſert, or ſuppoſe the grant of hereditary honours, is a tie *ad infinitum*, to him, and his poſterity for ever, can be very little acquainted with the nature of his ſpecies, or the hiſtory of his own, or any other country in the univerſe. An *hereditary* nobility is compelled *for its own ſafety*, to guard with jealouſy againſt the ſmalleſt encroachment of the executive power. To ſuppoſe an union that would endanger the liberties of the nation is abſurd; it is not compatible with the intereſts of the one, or attainable by the influence of the other *. Such alas! is the ſpirit of party, that

* And the idea of ſuch a junction, appears to be of pretty much of the ſame complexion as the old allegorical tradi-

that any acquieſence, with meaſures adopted by what is called the government of the nation, though flowing from the ſtricteſt integrity, and moſt conſcientious motives, is conſtrued into a deliberate act of treaſon againſt its liberties, and every oppoſition to its conduct, no matter how abſurd or factious it may be, is applauded as the pure efflux of patriotiſm, and public ſpirit.

For the ſake of candid inveſtigation, let us examine fairly, what are the pre-eminent advantages poſſeſſed by a peer, that render him ſo *hateful*, and *dangerous* a member of a free ſociety, or community? Does his rank, or the privilege attached to him as a legiſlator, exempt him from anſwering the moſt frivolous charge, or ſhield him from the puniſhment annexed by the laws of his country to the delinquency proved on him. Whether

tradition of a certain ſpell, or incantation, uſed at the building of Friar Bacon's ſtudy, in conſequence of which it was ſo contrived as to fall on the firſt perſon, more learned than himſelf, who ſhould venture to paſs under it; ſuch a prophecy might terrify fools, according to the wiſe Solomon's proverb; but the terrors of the junction above deſcribed, cannot in any degree alarm a ſerious, candid politician.

ma-

materially connected with, and forming a part of, the machine of government, or ſtanding the avowed opponent of its wiſhes, and deſigns, he is equally open to cenſure, and conviction. The theory of impeachments has been too often reduced to practice, not to be as thoroughly underſtood as a common indictment at a quarter ſeſſions; nor does a leſs proportionate puniſhment attend ſubſtantiated guilt, whether in Weſtminſter hall, or a county aſſize. In ſhort, every real diſtinction (further than that of being hereditary legiſlators) that divides theſe men from the body of the people, conſiſts in *certain exemptions*, which by far the greater part of them will think a *ſlur* on the term nobility, and which nothing but long uſage, prejudice, and pretended policy, authoriſes the continuance of. If the charge of ſupporting deſpotiſm, as attributed to the Houſe of Peers, had the ſmalleſt foundation in truth; the executive power, had long ſince grown too formidable for repreſſion, and the *habeas corpus* act been ſilenced by the *letters de cachet*, the ſimple FIAT of the ſovereign, to define briefly the nature of the Houſe of Peers, its intereſt, and ſhare in the conſtitution of government,

the

the ground on which the claim is founded, and in few words conclude its hiſtory.

Monarchy was compelled in ſupport of its own pretenſions to create an authority, which ſoon rendered itſelf its equal, and formed in conjunction with what had been the ſovereign power, a government purely ariſtocratical; this might be conſidered as the firſt ſtep towards the attainment of liberty. *If there is any gradation in the violence done the natural rights of man, they certainly ſuſtain leſs injury, under the government of a ſcore perſons, whom their extenſive poſſeſſions, and conſequent intereſt in the country, have erected into ſo many deſpots over the whole* *, *than in the tyranny of one man, an alien, or his deſcendants, who profeſſed to hold their ſceptre originally in virtue of conqueſt, which by a fanciful transformation, ſoon became what was called divine right.* The perſonages who

* With regard to the burthen ſuſtained by the community, they probably would be much leſs grievous, under the moſt abſolute monarchy, than an ariſtocracy, and conſequently preferable on many accounts; but this, nothing relates to the reaſonable pretenſions of one, above thoſe of the other, as a nauſeous medicine is frequently of greater ſervice, than a more palatable one.

had planned, and executed this alteration, ſoon found their dignity, and influence in the government of the nation, muſt depend on other funds for their ſupport, than either wealth, or perſonal proweſs; that if they wiſh to retain, they muſt be content to yield up a part. On this ground originated the Houſe of Commons, the third, and concluding power in the mechaniſm of the conſtitution, a power that gives energy, and effect to the motion of the whole ſyſtem. It was in its original inſtitution little more than one of thoſe deluſions that ſerve to quiet, and cheat the unwary into a dangerous, and unguarded happineſs, and ſecurity, the mere *ignis fatuus* of liberty, ſerving to amuſe its followers, while it was leading them to their certain deſtruction; but though the infancy of this darling of the people was weak, and impotent, it has acquired in its maturer years, a vigour of conſtitution, which nothing but the depravity of its national parents can deſtroy, or enervate. If, during its minority, it was found to have been the mere *ward* of royalty *, it has

* The ſovereign, as a branch of his prerogative, iſſued his precepts to whatever towns he thought proper, to elect

has long ſince aſſumed the direction of its own eſtate, and diſcharged the guardian from any further concern in its affairs. The enemies to public peace, thoſe factious, uneaſy ſpirits, who exiſt with happineſs to themſelves, only in commotion, may glory in their petulant criticiſms, may boaſt of their ſagacity in diſcovering *conſtitutional* defects, and pointing out viſionary ſchemes of amendment. To a jaundiced eye, all objects appear to be yellow, but on a candid examination, every error will probably be traced to the ingenuity of the commentator, rather than an inaccuracy in the original text.

The right of electing repreſentatives veſted in perſons of various deſcriptions, is called, even by profeſſed friends to the conſtitution, the ſhare allotted to the people in the national fund of government; nothing can be

elect and return repreſentatives to parliament: *the counties* alone poſſeſſed the right independent of the royal ſummons. This branch of the prerogative certainly might have been attended with dangerous conſequences to freedom, it was permitting the executive to model the legiſlative power to its own will: but ſince the revolution; the diſcretionary power was firſt diſclaimed, and then annihilated. Anno 1707.

more derogatory to the *rights of the people*, than ſuch an aſſertion. Thoſe who are *content* under the ſecurity, and freedom they experience, err, without being conſcious of their miſtake; the people have not a ſhare; the term implies a third, or equal part with either of the other two eſtates, when in reality, the PEOPLE * poſſeſs nine-tenths according to the common-place phraſe; but if this account were capable of undergoing an arithmetical ſettlement, the difference between equality ≡ and the true ſettlement, would probably be found conſiderably greater.

They are the eſſence of all power, as has been already ſtated in an hundred inſtances. This is ſo eſtabliſhed a maxim, ſo perpetually uppermoſt in the mind of every advocate for the true liberty of his country, that it is not to be criticiſed on the ſcore of tautology, it is not to be cenſured as a poſitive demonſtration of a poverty of ideas; if the re-

* Par le mot *peuple*, on ne déſigne point ici une populace imbécille qui, privée de lumieres et de bon ſens, peut à chaque inſtant devenir l'inſtrument et le complice des demagogenes turbulents qui voudroient troubler la *ſociété*.

Syſt. Soc. Tom. II. Cap. 4.

petition of the principle ſhould momentarily recur like the monotony of a raven, or the invariable note of a cuckow. This power, however, is not the lawleſs, unreſtrainable dictum of a rabble, but the ſober, and ſedate authority of cool, and reflective community. If that community has, by any act of its own, (*and eſſentially ſpeaking, the conſtitution of Great Britain admits no other act, but of itſelf, that is binding to it*) narrowed * the conſtituent, and primarily legiſlative body, ſuch act, or conſent has originated in the ſoundeſt policy, and intereſt of the *common weal*. There are certain data, or principles of equity, and juſtice, which muſt be admitted by diſpaſſionate minds, eſſentially neceſſary to the eſtabliſhment of a conſtitution, or what is called a ſtate. Theſe principles, though political inſtitutions, cannot be ſaid to abridge the moral, or natural rights of mankind; it is admitted to be the principle of thoſe that man being free by nature, ought not to be governed by laws to which he has not declared his conſent; but it certainly is at the ſame time

* Or conſented to the continuance of what was an ancient, and deemed an wholeſome cuſtom.

implied, he has no right to withhold his conſent to ſuch laws as are deemed wholeſome, and neceſſary by the reſt of his ſpecies, or that abſtract part of it formed by the individual community of which he is a member. We are too apt, particularly when our minds are over-heated by an enthuſiaſtic attachment to a favourite ſyſtem, to embrace crude ideas with all the warmth of political fervour. Republicaniſm, according to its *genuine* intention, is one of thoſe crudities, ever tormenting the vitiated ſtomach of reaſon, but remaining in its original form, incapable of contributing to the ſupport, and nouriſhment of the body, SOUR, AND INDIGESTIBLE. A republican form of government *, if

* After conſidering the ſubject with the utmoſt attention, there do not appear more than four deſcriptions of ſocieties, or *communities on a contracted ſcale*, in the known world, capable of admitting a form of government, bearing the leaſt trait of being republican. Theſe are, a tribe of Indians, an hord of Hottentots, a band of Arabs, or Marauders, and a neſt of pirates. Yet, even in theſe inſtances, (which come the neareſt) the principal feature of a republican government *in theory* is deſtroyed; for they all concur in electing a chief; which chief, though perhaps the ſovereign of their free choice, becomes, what very nearly reſembles a deſpot, the inſtant the election

if we may be permitted to attempt a definition of it, is that in which every individual claiming protection under it, poſſeſſes an equal ſway, intereſt, property, and authority.

This is a ſyſtem that might have endured *for ages*, in the rude times of patriarchiſm; but in theſe our modern days of improvement, could not poſſibly exiſt two hours. Such is the (perhaps increaſed) depravity of human nature, that a community, or even ſociety, though compoſed of no greater number than twenty perſons, could not poſſibly adhere, *three days*, true to the cauſe, and happy in the bleſſings, of what is called liberty, on ſo grand, and extenſive a ſcale. Neceſſity, as well as policy, has cauſed, what is very invidiouſly called, the abridgement of it.

The conſtituent power of the people of England, is lodged in two deſcriptions of perſons, freeholders, or landholders †, and

tion has taken place, the only true mark theſe four deſcriptions of perſons bear, of being, what is called, free, is, that the ſociety may freely elect its leader, prince, or ſovereign.

† Tout homme qui a de quoi ſubſiſter honnêtement du fruit de ſa poſſeſſion, tout pere de famille qui a des terres dans un pays, doit être regardé comme citoyen. L'arti-

and burghers, who derive their right from their reſidence in, or connexion of various kinds with, cities, diſtricts, or towns, to which pre-eminent privileges have been heretofore granted. If the policy, and neceſſity that dictated ſuch a truſt is once eſtabliſhed, and the general equity of it proved, the injury to the natural rights of man charged on the abridgement, muſt be regarded only as *the rhapſodical production of too luxuriant an imagination, or the deſperate ravings of a lunatic.* The moſt numerous, and conſequential body is that of the land, or freeholders, who, in right of their poſſeſſions, elect what are called knights of the ſhire, or, according to the more modern, and better known term, county members. Regarding the ſubject *candidly*, we cannot ſufficiently admire the political, and patriotic prudence, that *by confining with-*

ſan, le marchand, le mercénaire doivent être protégés par l'etat qu'ils ſervent utilement á leur maniere, mais ils n'en ſont de vrais membres, que, lorſque par leur travail et leur induſtrie, ils y ont acquis des biens fonds. C'eſt le ſol, c'eſt la glêbe qui fait le citoyen; un politique moderne a dit avec raiſon que, *la terre conſtitue la baſe phyſique et politique d'un etat.*

Syſt. Soc. Cap. 4. Tom. 2.

in due limits the elective power of the community, and inveſting it in ſuch orders of perſons as from their ſtation, and condition, appeared leaſt liable to corruption, or that ſpecies of depravity, likely to endanger the liberty, or welfare of the ſtate at large, might be thought to have fully provided for the ſafety, comfort, and unequivocal freedom of every ſucceeding generation. The qualification of forty ſhillings a year, conſidering the value of money when it was eſtabliſhed, roſe ſuperior even to ſuſpicion, and the * EQUALIZATION of the right, though perhaps not politically juſt, marks the ſtrongeſt attention even in our forefathers, to what have, of late, been technically termed THE RIGHTS OF MAN. Beſides this particular claſs of landholders, who enjoy the privilege, there are two other deſcriptions to whom it is NOT extended, leaſeholders, and copyholders; and this may, till after mature conſideration, be thought an unjuſt ſpecies of disfranchiſement. Before we pronounce our definitive ſentence, it would be well to weigh the reaſons operating againſt ſuch an

* That the votes of all men ſhould be equal, whether deriving their right from the humbleſt qualifying freehold, or the moſt extenſive lordſhip.

extenſion. A leaſehold is a temporary property only *, and we have no ſecurity for any man's political fidelity beyond the continuance of his poſſeſſions. The tenant, be the term he holds for, of ever ſuch duration, cares not for the fate of the manſion after the expiration of his term. The lord of the fee, on the contrary, trembles hourly for the condition of his eſtate, and guards againſt dilapidation, both with the attention of a careful ſteward, and the fond anxiety of an affectionate parent. The copyholder bears a ſtill more diſtant relation to conſtitutional liberty: by the tenure under which he holds his eſtate, he is the vaſſal of a petty deſpot, and though reaſon may have narrowed the feudal ſyſtem, the remains of it, ſmall, and inconſiderable as they may appear, might conſiderably affect, not only the theory, but the practice of the doctrine of liberty. The nominal freedom, and republicaniſm of Poland,

* This argument may by many be thought to loſe its weight in the particular caſe of leaſes for long periods; to draw the equitable line would be dangerous, if not to ourſelves, to ſome ſucceeding generation, *venienti occurrite morbo* ſhould ever be a maxim in politics, as well as phyſic.

might

might, by the extenſion, be transferred to Britain, and the people be *experimentally* taught the diſtance between a pretended, and imaginary ariſtocracy, *and its actual preſence*. The ſecond genus of electors hardly admits of a diviſion of ſpecies; to attempt it, would compel a deſcription, and diſcuſſion of the various charters granted at different æras, and under circumſtances, and cauſes which, in many inſtances, have long ſince ceaſed to exiſt. But the charge of royal partiality, and attention to corruption is loſt in *the general equity of the meaſure*. As a counterpoiſe to what is called the landed intereſt of the country, an equal privilege was attached to a property probably perſonal. Here too, the ſame ſpirit of freedom, the ſame contempt of attention to civil diſtinctions, when ſuch diſtinctions appear to threaten the naturally equal relative intereſt, all members of the community are acknowledged to poſſeſs in the government of it, and that general principle of *unequivocal* liberty, which regarding not the worldly poſſeſſions of the citizen, requires as declared an aſſent from the meaneſt trader, as the wealthieſt merchant; all unitedly tend (if farther evidence were neceſſary) to eſta-

bliſh one glorious truth, THE SUBSTANTIAL ENERGY, AND EQUITABLE SPIRIT OF THE BRITISH CONSTITUTION.

Diſcontented republicaniſm, diſdaining aſſent, will immediately exclaim, " What! are there not multitudes of perſons, who, notwithſtanding the boaſted equity of ſuch conſtitution, are totally precluded from deriving any other benefit under it, than what is common to all mankind, as long as they continue to pay a proper regard to public peace, and national tranquility ?"

Of that multitude a conſiderable part chuſe rather to be diſcharged from the privilege itſelf, than encounter the trouble attendant on the exertion of it; of the remaining part there are few who really wiſh to attain it, who would *patriotically* uſe it in the welfare of their fellow citizens. It may benefit the cauſe of democracy, and faction, to have the evil to complain of, but the evil itſelf is of little diſſervice to that of liberty. So intimately is the unrepreſented part * of the community connected with the conſtituent

* If, by the term unrepreſented, is meant thoſe who poſſeſs no vote in the election of parliamentary delegates.

power,

power, that it is impoſſible for any thing ſhort of republican diſcontent, to ſuggeſt even an ideal ſeparation of intereſts *. To aſſign cauſes for the varied form of charters, to attempt an explanation of the apparent par-

* This connexion is indiſputable—muſt not the merchant elector be ever attentive to the commercial intereſt of his unfranchiſed neighbour, as much as that neighbour would, himſelf, to his own? This attention is not dependant on patriotiſm, or good fellowſhip, but on the moſt predominant, and binding of all human principles—SELF-INTEREST. The ſame coequal alliance extends not only through every rank, and condition of ſociety, but branches alſo into an attentive artificial union of intereſts, between thoſe different ranks of perſons, created by civil diſtinctions in all caſes where law, and liberty are not immediately in queſtion. Will the wealthy landed elector, or the opulent burgher, endure the oppreſſion of the labourer, or the needy tenant? The oppoſition to that oppreſſion is not *of neceſſity* the offspring of philanthropy, or natural love of general liberty. The poverty, or humble ſtation of a citizen does not deprive him of the power of being uſeful to the wealthier members of ſociety, or contributing to their intereſts, and even ſupport. The pleaſures, the luxuries, the ſplendour of the rich, depend principally on the induſtry (which cannot itſelf exiſt independant of their general happineſs, and comfort) of the poor. As therefore this artificial union is the moſt obligatory of any in the univerſe, ſo it affords the moſt ample ſecurity againſt the barter of ſubſtantial liberty, and general welfare, for ideal honours, or temporary emolument.

tiality

tiality of ſome, their tendency to ſubject the diſpoſal of the rights of a multitude to the will of a few, to account why in one inſtance the conſtituent power ſhould be lodged in the hands of one perſon, in another in thoſe of three, or four *, and in a third, why a body of ten, or twelve thouſand franchiſed, and actually repreſented perſons, ſhould poſſeſs no greater influence in the repreſentative aſſembly, than the ſingle individual juſt now mentioned, might be a *firma burgi*, but would not in any degree elucidate the *general* principles of the conſtitution itſelf.

To the ſame melancholy, though frequent revolutions, we may trace both in the hiſtory of petty ſtates, and extenſive empires, to

* In the relative artificial union of intereſts already pointed out, and the firm perſuaſion, and knowledge of its actual exiſtence, we ſhall probably find the moſt rational mode of accounting for that variety of charter tenors, and enlargement of franchiſed privileges. Of what conſequence could it be to the ſovereign, whether the right of electing repreſentatives was lodged in the headborough, and half a dozen other perſons, forming a petty corporation; whether that right was extended to one, on a larger ſcale, conſiſting of threeſcore, or more members, or ſtill further enlarged to all houſeholders occupying a certain diſtrict.

the undulating fluctuations of wealth, miſery, adverſity, and proſperity, we muſt have recourſe to ſolve the perplexing problem, and reconcile to the principles of policy, equity, and liberty, why towns now exhibiting no other proſpect than that of poverty, and wretchedneſs, ſhould poſſeſs ſuch privileges (the ſolitary record of their priſtine conſequence, and grandeur) while others, riſing like a phœnix out of the embers of their ruined neighbours, till they have attained the height of worldly proſperity, have no ſuch indiſputable proof to adduce of the antiquity, and ſplendor of their pedigree. One is, an unfortunate noble, bankrupt in every thing but rank and honour, the other the wealthy fungus of proſperity, raiſed into an affected conſequence by a fortunate coincidence of unforeſeen events, ridiculouſly apeing the manners, and vainly arrogating to itſelf that deference paid only to high birth, ſplendid accompliſhments, and inborn dignity.

This ſeeming inequality, and partiality of repreſentation, conſtitutes the moſt plauſible, and formidable ground of complaint; the bare idea of grievances is ſufficient to kindle that very active combuſtible, *ſedition*. The embryo

embryo of legal ſubjection is naturally enough (if we conſider the temper, and genius of its pretended opponents, who, by a ſtrange paradoxical conduct, become its ableſt nurſes) cheriſhed into a full grown ſlavery. Though the infant deſpotiſm, regal government in general (though perhaps a very modeſt diſcreet matron) is calumniatingly charged as being ONLY *in labour* with to-day, *on the morrow* the *garagantual* vices of this miraculous production of art, will be as general a ſubject of reprobation at *taverns, brothels, county meetings, and patriotic* ſocieties, as though they had offended the gravity of a free nation for a century at leaſt.—*Recurrere diſco*, a parliamentary reform, is, in a very imperative tone, demanded by the factious, and even by diſpaſſionate perſons thought at leaſt an equitable, if not a neceſſary meaſure. Thus it is, that men with the moſt upright intentions ſuffer themſelves to be cajoled, or impoſed on by the noiſy harangues of a few, who, miſtaking the applauſe of a mob, or the ſilence of the moderate, for popular favour, vociferate their theme till repeated practice erects into a pretendedly uncontrovertible truth, the ingenious impaſſioned productions

ductions of their own fertile imagination. We are to enquire firſt, whether the demanded reform is actually neceſſary; and, if it is, what power is competent to effect it? It would be cloſing the argument at once to deny the major, to inſiſt on what has been already advanced, not to ſay proved, that the repreſented, and unrepreſented parts of the community have ſo material a union of intereſts, that it is impoſſible even for the ſophiſtry of argument to disjoin them *. We will, therefore, were it only for the pleaſure of adding another page to the pamphlet, admit ſuch reform equitable, and neceſſary. The next enquiry is, how it is to be effected. Not by the parliament itſelf, for myriads of reaſons, ſome of which have already been ſtated; but by the general conſent of the nation at large. There is a certain degree of authority veſted by the conſtituent in the repreſentative; the limits of that authority, though only tacitly underſtood, are never-

* So that it is totally immaterial to the queſtion of liberty, whether Old Sarum be disfranchiſed, or permitted to retain its uſeleſs badge of ancient magnificence; or whether the county of York be empowered to elect two repreſentatives, or two and twenty.

theleſs equally binding, as though they were peremptorily expreſſed. It is the duty of the repreſentative to aſſiſt in the formation of ſuch laws as ſhall appear conducive to the general good of the conſtituent. But the truſt veſted in him extends not to an alteration (*or reform*) of the *conſtitution* itſelf; the idea of the competency of the repreſentative, is as abſurd, as though a man, to whom, a power of attorney had been given for the ſale of chattels in the county of Middleſex, ſhould, under that power, pretend a right, to diſpoſe of a landed eſtate in the county of Cornwall. The competency of the repreſentative power muſt be the ſpecial act of the conſtituent *, either veſted at the hour of election, or *inſtructively* conveyed at ſome

* As that power is, at preſent, only limited, and not general, the power of *reforming*, or altering the conſtitution is inherent in, and perpetually remaining with, *the people alone*. They are the lords of the freehold, and may veſt the whole, or any part of their rights of ſeigniory, when, and in whom they chuſe, and on ſuch terms as they are pleaſed to dictate. The repreſentative is not the maſter, but the ſervant of the conſtituent; he cannot therefore exceed the limits of the truſt repoſed in him, without transforming himſelf, from a guardian of liberty, into an ariſtocratical deſpot.

period after it has taken place. Thus authoriſed, the decrees, and reſolutions of the delegates would become binding to the community. As arbitrators * between the reſpective claims of liberty, and ariſtocratical influence, and as the equitable judges how far private, and peculiar privileges ſhould give way to public advantage, they might franchiſe, or disfranchiſe, extend, or contract the conſtituent function, without incurring cenſure, or acquiring undeſerved applauſe.

The mover, and advocate for what is called parliamentary reform, may be borne on the wings of popular favour; as an individual, or private citizen, he may merit every token of gratitude a liberal nation can beſtow, but his interference is premature becauſe he is not inveſted with authority to offer it, and nugatory becauſe, though his interference prove ſucceſsful, neither himſelf, nor his colleagues poſſeſs the power of carrying their patriotic deſigns into execution. A variety of ſpeculative ſchemes have at different times been

* The act of union, Ann. 1707, has deprived the ſovereign of the power of adding to, or diminiſhing, the number of boroughs, which for ſuch a ſeries of years was held, and admitted to be a branch of the prerogative.

ſuggeſted for the purpoſe of ſecuring what is called the freedom of elections, and collecting the unbiaſſed vote of the community, thoſe apparently the moſt rational have been adopted. If they are inadequate to effect the end for which they were contrived, we have to lament, how unequal human prudence is, to the taſk of guarding againſt human depravity, and not to rail at the defects of the conſtitution itſelf. We warp our underſtandings if we ſuffer them to embrace *that* idea; it is as ridiculous (pardon the vulgarity of the ſimile) as it would be indecent in a man to rail at his clothier, becauſe, forſooth, his taylor had made his coat too ſhort for him *. The webb of the conſtitution is ſoundly manu-

* The ſeptennial act, ſo much inſiſted on in proof of the *defects* of the conſtitution, is no proof at all; it might be an abuſe of a truſt, but to charge it as a defect, is as ridiculous as, it would be, to cenſure the law for ſeverity becauſe a judge had ignorantly ſentenced a priſoner to die who had been convicted of an ordinary petty theft. The acquieſcence of the conſtituent power (which is certainly to be inferred, from its not *compelling* the repeal, as it might *conſtitutionally* have done, when that power was *ſuffered* to revert back to the community from whence it ſprung) legaliſed, what was *originally* a moſt violent deſpotic aſſumption. " *Sine ſcripto jus venit, quod uſus approbavit.*

manufactured; it is compoſed of the beſt materials; thoſe who are entruſted to fit it to

bavit. Nam dicturni mores conſenſu utentium comprobati, legem imitantur."—Juſtinian de Jur. Nat. Gent. et Civ. Inſt. Lib. I. If the repreſentatives of the people exceed the authority inveſted in them, no redreſs can be conſtitutionally compelled on the inſtant. If ſuch redreſs were obtained by ſucceſsful inſurrection, or even the fear of one, every principle of the conſtitution would be as much annihilated by ſo violent an event, as they would be by the moſt arbitrary aſſumption on the part of the executive power. There is a proper time (which muſt be expected with patience) when, without any breach of the conſtitution, the nation, in its original character virtually poſſeſſes the power of dictating. Its voice commands too much attention to incur neglect; be it ever ſo mild, if firm, it is reſpectable and *will* be attended to. The pride of miniſters, the vanity of favourites, the pleaſures of royalty itſelf, muſt all give way to REAL grievance; and the inattention to a popular clamour, is among the ſtrongeſt proofs of its unreaſonable tendency, as there is no need of argument to prove that by complying with what are called *the wiſhes* of even a thouſand PATRIOTIC ſocieties, as they are vulgarly ſtiled, and that each ſociety conſiſted of a thouſand *reſpectable* individuals, would be to ſubject ſeven perſons to the *deſpotiſm* of one. To render any momentous complaint worthy the attention of the executive, and legiſlative powers, it is neceſſary to prove to thoſe powers that upwards of four millions of perſons are unanimous in their opinions on the ſubject. On this point, *Verbum non amplius addam,*

to the genius of the nation, are ſolely culpable if it does not pleaſe the fancy, and wear according

the advocates for republicaniſm, according as their principles are more or leſs violent, inſiſt. *Some*, that we have no conſtitution; *others*, that the conſtitution only wants regeneration. To ſay we have no conſtitution is abſurd, if the term conſtitution has any defineable meaning. A conſtitution certainly is not the act, but the parent of government; and there is no neceſſity of laboured argument to convince us that it is ſo. Every nation where its government is not actually founded in uſurpation, or conqueſt, poſſeſſes a conſtitution; the term implies "*an arrangement of the powers of government according to the wiſhes of the people*;" this arrangement undoubtedly took place at the event called THE REVOLUTION. If no material alteration of the external form took place at that time, it was an evident proof the people at large approved of that form. (*We have gone over this ground already.*) Reformation, alteration, or, as it is quaintly termed, *regeneration* became unneceſſary. That Britain poſſeſſed no conſtitution (though the term, through the falſe habit of cuſtom, may be frequently, though erroneouſly adopted) *previous to the revolution*, is an indiſputable fact; every reform or amendment that had been effected in the principles of government, was derived not from the *general* act of the people (which alone can erect a conſtitution) but the fears of the ſovereign, the arbitrary dictates of a victorious party, or the deſpotiſm of a faction. If that ſpirit of liberty which, before the revolution, pervaded the principles of government, had even ſuffered degradation from the landing of the Prince

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cording to the wiſhes of every upright, undiſtorted mind. The crooked temper of the republican may probably be formed ſo unlike that of the reſt of the human ſpecies, that it is impoſſible for any *regular faſhion* to con-

of Orange, and the arrangement which took place in conſequence of it, that contracted, and unwiſe arrangement would have become a conſtitution, while its parent, though more liberal in its principles, could be conſidered as nothing more than the *conceſſion* of a *monarch*. The SUPREME power of government reſting with the people, (which no man can deny it did, on the abdication of James) they might have CONSTITUTED any alteration, or ſubſtituted any form, entirely new, at their pleaſure. They did not; they contented themſelves with repairing the venerable Gothic edifice, rather than introducing any new-fangled order, more pleaſing perhaps to ſome *modern* eyes, but poſſeſſing not its ſtrength, comfort, or durability; thus, from the acquieſcence, the approbation, THE SOLEMN DECREE OF THE NATION, what had originally been a government by aſſumption, became the national conſtitution. *Regeneration* has of late been a term hackneyed till it is become ridiculous. It has aſcended from the moſt *contemptible* region of public uſe, THE ITINERANT ROSTRUM OF THE METHODISTS, to the juriſprudential debates of popular aſſemblies, and what are called (*patriotic ſocieties.*) Its uſe is frequent, indiſcriminate, and inapplicable; it reminds one of Punch in the Dutch puppet-ſhow of the *creation*, Adam meeting him aſks him whither he is going, Punch quaintly replies—"to be created,"—to ſpeak acccording to the popular faſhion, he would now ſay, "*to be regenerated.*"

ceal its defects, or reconcile it even to itſelf; yet its complaints tend only to render more ridiculous, that monſtrous deformity which nothing but ſilence, and inoffenſive behaviour, can ſecure from pity, and deriſion. The charge of corruption has, as a common place invective, been very frequently urged againſt the repreſentative body, when, in fact, it has laboured much more to ſecure the freedom of their conſtituents, than thoſe conſtituents have themſelves; the return of even what is called the prime miniſter (if a commoner) into the conſtituent body, is an incontrovertible proof of it. At the very hour of exaltation he is compelled to ſubmit his conduct, his motives for becoming an active oſtenſible ſharer in the toils of government, to the fiery ordeal of public inveſtigation; he is ſent to account with his conſtituents *with all his imperfections on his head*, and is degraded from his function of repreſentative, that the people may judge for themſelves whether his new charge, and public ſituation have not rendered him unworthy of the truſt and confidence they had before repoſed in him. The ſame equitable mode of ſubmitting to the opinion of the people the cha-

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racter and conduct of the moſt inferior agents of the executive arm, is obſerved through every department; *it is an eſtabliſhed, an inviolable* LAW. To annihilate every ſymptom of influence on the part of government, (if it were poſſible any yet remained) the repreſentative aſſembly, with a due ſenſe, and regard to its own honour, has taken care by one ſolemn act to deſtroy even the chance of miniſterial intrigue within doors, and by others to eradicate the poſſibility of arbitrarily impoſing particular perſons on the conſtituent power (*by creating an artificial majority in their favour*) without. It is not worth the labour, putting every other conſideration out of the queſtion, for a partizan of government to corruptly employ either the public wealth, or the influence ſuppoſed to be annexed to his office, in purſuit of an object NOW rendered ſo uncertain. It were within the bounds of poſſibility, while the repreſentative aſſembly at large decided on the queſtion of bribery, or undue influence, that by ſecuring, through various means, a majority of that aſſembly, a caſe might be decided, not according to its real merits, but by the nod of the miniſter. But *now*, when the

patriotiſm of the legiſlative body has effectually cloſed that great gate of the temple, it will be the fault of the community at large, if they ſuffer ſlavery, or corruption to enter at a poſtern.

Till the miniſter, or the agents of the executive power have ſo far ſucceeded in the ſyſtem of corruption, as to be able to acquire the *undiſputed* nomination of two hundred and eighty members of the legiſlative body, the deſpotiſm of a mixed government is viſionary, and chimerical.

After having ſo repeatedly condemned ſpeculative ideas, it will be letting looſe all the vengeance of political criticiſm to ſuggeſt any thing like a new project, nevertheleſs, with all due deference to national conſequence, and the profound juriſprudence of the legiſlative body, we may venture to hint, *if reform is the word*, no more likely method of effecting it, (even without the addition of new members,) can be contrived *, than

* *Admitting the people themſelves, or their repreſentatives to be corrupt, ſhould be no argument for encreaſing the bulk of the repreſentative body; on the contrary, for the comfortable reaſon given by the heroine of Voltaire's Candide, it would be better if reduced to half its preſent ſize.*

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that of collecting the ſuffrages of the conſtituent power in as diffuſed a manner as poſſible. The danger of corruption, and other illegal practices principally conſiſts in the gregarious mode of voting *; and though it may not be poſſible to frame, or contrive any alteration totally free from exception, yet long as ſuch alteration does not offend againſt the letter of the conſtitution, there can be no reaſonable ground of objection to it. To effect what may with ſtrict propriety be called a reform †, we muſt begin with the nature of

* For inſtance, were ſuffrages collected parochially, and the liſts tranſmitted to the ſheriff by the officers of every pariſh; were the mode of electing members by *ballot*, adopted in boroughs, and other *contracted* conſtituent bodies, the difficulty of corruption would certainly be encreaſed. Were that kind of perſonal application called canvaſſing, forbid under the heavieſt penalties, and the names of the candidates made known to the conſtituent body, by public proclamation only, the freedom of election might poſſibly be rendered more ſecure, and the conſtitution itſelf nothing injured. Theſe ſuggeſtions are not given as a digeſted ſyſtem, but offered with all humility and deference, as the faint outline of a ſcheme, ſome able politician might render more practicable, and effective.

† It is not that a reform (according to the true ſpirit and meaning of the term) is demanded by thoſe who inſiſt

of man, for, however faſhionable, and popular it may be for every individual to boaſt of what he calls his natural rights, ſuch is his preſent depraved ſtate, that domeſtic peace, perſonal protection, and every other moral, as well as political conſideration, that contributes to the happineſs of a ſocial community, highly depend on the abridgement, and contraction of thoſe rights. Till that abridgement is rendered unneceſſary, by the pure, and unſpotted virtue of the whole commu-

ſiſt on it moſt, *on patriotic principles*, but in the hope of creating a transfer of power from the hands in which it is at preſent veſted, into their own. Were that power lodged ſolely with them, not a word would be ſaid of general liberty, and natural rights. The deſpotiſm of a republic is the moſt grievous of any, it is the moſt violent, as well as the moſt inſolent; for the truth of this aſſertion, we need only appeal to the hiſtory of all republics that ever exiſted. If abſolute monarchy is deſpotiſm, a republican form of government (*which to define it truly is nothing but an ariſtocracy on an enlarged ſcale*) is deſpotiſm run mad.

Let it be once more repeated, a republican form of government, according to the true tenor, and meaning of the term cannot poſſibly exiſt *at the preſent day*. "*I wiſhed much to ſee the effect of a government, in which deſpotiſm, in the form of a republic, makes her votaries believe that tyranny is liberty.*"

Sutherland's Tour, page 132.

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nity, we muſt patiently endure to hear the charge of deſpotiſm, and oppreſſion, uttered by thoſe who feel the exertion of thoſe wonderful faculties, which they call THEIR RIGHTS, abridged; and conſole ourſelves with the reflection of that abridgement's being neceſſary to the continuance of internal tranquillity *. Men engaged in the purſuit of liberty and ever running into extremes; "*Republicaniſm is not the oppoſite of deſpotiſm, but is the counterfeit of it; both are tyrannies; the one openly aſſumes to itſelf an abſolute right, the other conceals its right under the ſpecious term of general freedom; the one is a monarch brandiſhing the ſword of empire, the other a canting, hypocritical marauder, concealing his dark lanthorn, and ſtiletto under his cloak; the former is the declared uſurper of rights, the latter, their ſecret and moſt dangerous enemy.*" It is not

* Will the loudeſt republican of the whole fraternity be content to admit EVERY INDIVIDUAL *of the community to an equal ſhare in all political arrangements with himſelf*, or the warmeſt friend to the RIGHTS OF MAN conſent (provided he is himſelf AFFLUENT) to annihilate all diſcrimination of particular property; the ſyſtem cannot be taken in the abſtract, he muſt reject the one, or hate the other, there is no ſerving at one, and the ſame time "LIBERTY AND MAMMON."

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from *modern* opinion only, that concluſions are drawn unfavourable to the credit of democracy, but from the more convincing, and poſitive evidence of hiſtory. " All are accounted and called tyrants who have perpetual authority in that city, which formerly hath enjoyed liberty, the deprivation of which cauſing murmuring, and rebellion, brings forth an ariſtocratie *, or government of the beſt men, ſuch as are well brought up, and exerciſed in virtue. The end of an ariſtocratie, being, as Ariſtotle hath it, virtue, which is of no long continuance, doth ſoon degenerate εἰς ὀλιγαρχίαν τραπείσης κατὰ φύσιν, naturally inclining to an oligarchie, or rule of few. Theſe few being choſen according to their riches. And becauſe that many in a ſtate cannot be wealthy, therefore the number of them cannot be great. Theſe are great lords and little kings, whoſe power ſways all, and not the laws, who unjuſtly favour thoſe that are par-

* Some political writers, failing in their *pious* endeavours, to prove a ſovereign a *monarch*, have reſorted to a ſecond fictitious cauſe of clamour, *an ariſtocratical deſpotiſm*; aſſertion however poſitive it may be made, amounts not to proof; *public juſtice, and private reſentment*, confute the idea by a myriad of examples.

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tially theirs, and oppreſs them that would defend their libertie againſt them. All things being adminiſtered τοῖς τρόποις των ἐφεσηκότων, by their preſidents. Such dominion is taken away by the people ſet on rage, not bearing τὰς των προεσώτων ἀδικιας, the injuries of their rulers. Hence comes in a *democratie*, which Sophocles calls ἐπὶ τῶ πλήθει λογον, the power of a multitude, whoſe end is freedome, WHEN ALL *can equally partake of the ſame privileges and immunities, who are true citizens, whence Terence ſtiles it* æquam libertatem, *for which the Greek orators have properly uſed the word* πολιτεια *as Ulpian obſerveth.* BUT THE VULGAR, FOR THE MOST PART STRANGELY INSOLENT, PRONE TO WRONG, AND READY TO TRESPASS AGAINST THE LAWS, BRING IN BY A MISERABLE PROCEEDING, THE WORST KIND OF GOVERNMENT AN OCHLOCATIE, THE RULE OF RASCALITY. All theſe in their times did Athens feel."—*Arch. Att. Lib. I. Cap.* 8. The man who cannot ſeparate the ſyſtem of good government from monarchical tyranny, or fanaticiſm from true religion, is either to be pitied for the poverty of his ideas, or condemned for the obſtinacy of his principles.

It would be deemed in the higheſt degree illiberal, the certain, and indiſputable mark of a narrow, and contracted turn of mind, to appropriate, or attach any particular, or ſpecial ſet of religious tenets, as moſt congenial to, or likely to advance, or promote any one form of government in preference to another; yet facts evidently confirm the idea of that preference. It is difficult probably on theſe occaſions, to diſcriminate between the effect of the *pure* tenets themſelves, and the labours of the *interpreters of them*, THE PRIESTS. We are well aſſured *things are ſo*. For inſtance, that the Mahometan religion, is the ſupport of deſpotiſm in *one* particular line; the Catholic perſuaſion of deſpotiſm in *another* form. There cannot be a ſtronger inſtance of this truth adduced, than that of the late revolution in France. The inſtant the deſpotic power of the prince was curtailed by the people, religion gave way as a natural conſequence in the ſame ratio. We argue from facts alſo in our own country. Epiſcopal church government has experimentally proved the beſt ſuited to that polity, or mixed, and limited kingly government known to us. The various branches from Calviniſm

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not only ſtand on *record*, as the enemies of every ſyſtem bearing the ſmalleſt trait of *kingly* government, but are not (at leaſt thoſe more violent members whoſe principles Butler calls ("*Preſbyterian true blue*") aſhamed of publicly avowing their ſentiments at this very hour.

The operation of the teſt-act, ſo much inſiſted on as a certain proof of deſpotiſm, confines not their *religious* principles, it only excludes them from any ſhare in a *political* government, to the principles of which they are not *afraid* to declare themſelves *inimical*. Unlimited toleration is an *high ſounding* word; it renders notable ſervice to the cauſe of tumult; but toleration ceaſes to be equitable, when it becomes the foſterer of ſedition.

Does the act in queſtion abridge any *moral*, or *religious* right? Will the Diſſenters ſtand forth as a body to anſwer the interrogatory *fairly*, and *honeſtly*, whether, were that act repealed, and *they* were in force, power, and ſufficient authority, they would not deſtroy the *political* exiſtence of the Epiſcopalians? The people of England have not yet forgot the *deſpotiſm*, and ridiculous (*though tyrannical*) *fanaticiſm* of their RELIGIOUS anceſtors under the

the command of Cromwell; they prudently think it much eaſier to reſiſt the entrance of an EVIL, than to remedy it when admitted. *Trivial* inſults may not be deemed ſufficient to induce a conduct oppoſite to that *moderation*, with which thoſe inſults have been received; not all the ſcurrilous invectives of a *furious* party, enraged by diſappointment, have *yet* been loud enough to awaken the dignity of national reſentment. No, nor even the cry of "*To your tents O Iſrael,*" thundered from their pulpits, has extorted more than *a ſmile of contempt* from thoſe, whoſe indignation it is unable to excite. In few words, the people of England are willing to permit every latitude conſiſtent with the ſafety of their own religious profeſſions, to opppoſite, or *diſſenting* principles, to conſcience, or even to *ridiculous fanaticiſm* *. They are not illiberal,

* It has been ſuppoſed, and probably with ſome foundation, that the Diſſenters have received a conſiderable reinforcement, from the new ſect called Methodiſts. Theſe have been repreſented by many as a harmleſs inoffenſive body, careleſs in political, enthuſiaſtic only in religious topics; this character, is however, not ſtrictly true; had the Diſſenters *ſtill perſevered* in that moderation they profeſſed ſome years ſince, they might have been

beral, unchriſtian-like enough to condemn tenets they have not examined; all they contend

been pitied for their folly in enduring ſuch a coalition, as, it is probable, no ſingle ſtep has done more injury to their cauſe than that union. All perſons not generally frequenting the *church worſhip* are indiſcriminately termed *Diſſenters*, and the accumulated number has probably been among the firſt cauſes that has created alarm; when, had the *real Diſſenters* been content with enjoying quietly their own tenets, without endeavouring to create proſelytes, or *invitingly* extending their arms for the reception of a *rabble*, ready to join them for no other purpoſe, than that of erecting themſelves into conſequence, the original, and parent ſtock would not have been formidable enough to induce any terrors at admitting them equitably, and freely into a participation of thoſe rights (as they are called), they have of late ſo peremptorily demanded. The Diſſenters are, generally ſpeaking, a learned body. Whatever opinion we may entertain of their tenets themſelves, they undoubtedly poſſeſs knowledge, and ingenuity enough to enter into a defence of them; their profeſſion is regular, and determinate, and the principles of their religion as fixed as of any exiſting. With the Methodiſts it is far otherwiſe; aſk them their tenets, and the principles in which they differ from what is called the eſtabliſhed church, they are unable to return you an anſwer; they will *commune* with the Epiſcopalians, becauſe they ſay, they do not diſſent from them; they will commune with the Diſſenters, becauſe (they ſay with a view of ingratiating themſelves into their favour) they wiſh to take every opportunity of hearing the WORD

tend for is, that they may not be reduced to the *neceſſity* of embracing thoſe tenets themſelves. They will not ſubmit to be the *ſlaves* of *ambitious* enthuſiaſts, whom they chuſe rather to prevent from the poſſibility of injuring them, than incur the pain of puniſhing them for the *attempt*.

OF GOD; they are "*every thing by turns*," that is to ſay, whatever ſuits their purpoſe beſt, and profeſſing to ſtand *neuter*, are always ready to join which ever ſide of the queſtion has any apparent advantage. Enthuſiaſtical, fanatical, without religion; ignorant, and abſurd, without ſimplicity to believe, or candour to admit they are ſo. The regular paſtor of the Diſſenters, is properly inſtructed in the principles of that faith which he is to inculcate. The teacher of the Methodiſts is not unfrequently a coalheaver, a journey-man carpenter, or ſome other illiterate handicraft, too lazy to get an honeſt living by that trade the modeſty of his parents conſigned him to; but thinks himſelf completely fitted for his ſecond occupation, from being able to read (though with much difficulty, heſitation, and murder of terms.) Fortified with this elegant accompliſhment, a ſanctified countenance, and a ſhabby ſuit of black, he undertakes the cure of ſouls, and the office of a theologiſt, with all the conſequence of a cardinal; and follows too, when occaſions requires, not the laſt, or leaſt heard hound in the pack of republican Diſſenters. PROH PUDOR! Will the diſciples of Calvin deign to entertain ſuch mercenaries! they are a diſgrace to the term Diſſenter, and produce a manifeſt injury to the general cauſe.

After every thing that has been, or can be urged againſt the outrageous (*and indeed intolerant*) ſpirit of the diſſenters as a body, they may, probably, very innocently have incurred that obloquy from the conduct of their ORACLES only, whom they repoſe as implicit a confidence in, as the Romans of old did in the leaves of the SYBILS, or as the people of England themſelves, did in their *nobles*, during the diſputes between the houſes of York, and Lancaſter, chuſing to partake diſgrace, or deſtruction with them, rather than abandon them to the *contempt*, and *juſtice* of that community whoſe peace they were ſo active to diſturb.

The *lay* diſſenters, confiding their political principles "*as well as their ſouls*," to the cuſtody of a CHOSEN FEW, whom, from a ſtrange habit of confidence, they cannot think either morally, religiouſly, or politically wrong, embrace the dogmas delivered to them by thoſe SAGES, with all the fervor of true devotion, and belief of their ſuperior political diſcernment. They do not give themſelves the trouble to enquire, whether thoſe dogmas are the reſult of piety, reaſon, faction, truth, equity, or common-ſenſe.

That which is the moſt *numerous* as a religious ſect, as certainly is that of the epiſcopalians, have an *indiſputable* right to take every precaution human prudence can ſuggeſt, againſt the attacks of *religious deſpotiſm*. Would the moſt *paſſionate* among the *lay* diſſenters give themſelves the trouble to argue the matter with their own conſciences *, they would not, while they continue to enjoy *religious* toleration, think themſelves either *tyrannically, or contemptuouſly treated*. By refu-

* If we inſiſt on, what the republican diſſenters have laid down as the fundamental laws of liberty, we cannot ſufficiently *admire* the inconſiſtency of their conduct. We *do* admit thoſe laws, and from them the following ſhort anſwer, and argument may reaſonably be drawn.—*The ſovereignty of the nation is veſted in the community itſelf, every alteration, or reform affecting the conſtitution, muſt proceed from that community. The repeal of what is called the Teſt Act, is not to be effected with the eaſe, and with as little deliberation as a duty on candles would be; it is connected with the conſtitution, and therefore the application to the repreſentatives of the people is contrary to order; were thoſe repreſentatives to comply with the requeſt, they would exert an unconſtitutional act of deſpotiſm; the appeal muſt be made to the firſt cauſe of power,* THE NATION AT LARGE, *when the petition has been examined, and the allegations of it admitted, the people may refer it to their repreſentatives, with the uſual recommendation.* To obtain that recommendation is the firſt, and indiſpenſible object.

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ſing to qualify themſelves according to the terms preſcribed by the act in queſtion, they avow themſelves enemies to the conſtitution itſelf. That reſtleſs ſpirit, uneaſy at thoſe reſtrictions which prevent their taking (conſiſtent with their conſciences) an active part in it, cannot, or will not yet diſcriminate between the neceſſity of that policy which firſt ſuggeſted thoſe reſtrictions, and the unjuſt oppreſſive deſpotiſm which would aſſume the right of impoſing them, whether neceſſary, or otherwiſe. If uniformity of worſhip is eſſential to the well-being of a ſtate, the repeal of the act would be a deliberate treaſon againſt that ſtate; and if it is not eſſential, why were even the diſſenters themſelves ſo active in promoting its original erection into a law? The catholic perſuaſion (if we may be permitted to argue from former events) is the friend of an *abſolute monarchy*, and conſequently inimical to the Britiſh conſtitution. Calviniſts and the diſſenters from the epiſcopal church, openly profeſs themſelves the friends, and ſupporters of republicaniſm, democracy, or (*what they call*) general liberty; the principles of both, when rigidly maintained, become *tyrannies*, though

of different kinds, and are equally hoſtile to that ſpecies of government eſtabliſhed by *our* conſtitution, which (whatever republicaniſm may be pleaſed to urge to the contrary) is certainly congenial to the temper, and wiſhes of the majority of the people. Time, and reaſon have diſpelled that cloud of bigotry which, in former ages, ſo much diſgraced the *church of Rome*. Recent events have proved its tenets not inſeparable from monarchy, yet we continue to think it neither wiſe, nor prudent to admit it further into the conſtitutional temple than the entrance; thoſe who profeſs it are ſuffered to enjoy their principles unmoleſted, they are emancipated from the diſgrace of being compelled to perform their devotions in ſecret; they are ſatisfied with the indulgence, and are not ambitious enough to requeſt, much leſs *inſiſt*, on any further extent of it. Let the diſſenters, whoſe *enthuſiaſm*, the counterfeit of bigotry, (in political matters at leaſt) has ſuffered no ſuch degradation, as to become more relaxed in its diſcipline, or leſs auſtere in its principles, copy this pattern of moderated deſires, and learn to preſcribe ſome bounds to thoſe deſires which can be the efflux

efflux of ambition alone. Were ſuch teſt totally abrogated, antichriſt, and the whore of Babylon would be the invariable mottos of their pamphlets, and texts of their ſermons; and a partial repeal would be a recorded proof of national injuſtice againſt a body of men who have for ſome *generations* continued to demean themſelves with gratitude, brotherly love, and reſpect.

It muſt either be proved, and admitted that no religious principles whatever bear any relation to political concerns; that it matters not, therefore, whether the activity of government is entruſted to catholics, proteſtants, diſſenters, or Turks; or it muſt on the other hand be admitted the conſtitution, to put religious principles out of the queſtion, demands this *indiſputable* proof of fealty and attachment to it.

A reſtriction on conſcience is, certainly, that kind of political evil which nothing ſhort of, at leaſt a *ſuppoſed*, neceſſity, can cauſe to be endured. A *monarch*, a ſingle perſon may, from contracted ideas, or a deſpotic turn implanted in his nature, connect the ſafety of the ſtate with *uniformity* of religious principles, and a dogma *thus* erected

may be too contemptible to require refutation. But the caſe becomes materially altered when the ſentiments of a majority of an extenſive community advance ſuch a propoſition; to deny the truth of it, is a charge in direct terms of PUBLIC tyranny, and *wanton* oppreſſion, which, it is to be hoped, for the honour of the human race, is unfounded. No man has a right to interfere in, or even enquire into, the religious principles of his neighbour, till thoſe principles become really obnoxious to him, or that community, of which he forms a part. The political union of church, or rather religion, and ſtate, may be the greateſt exiſting ſtigma on religion itſelf, but the diſſenters themſelves have been the moſt zealous ſupporters of the idea. Practice (*which we will candidly reject as a proof, as it is no argument in ſupport of the reign of* FOLLY) or, what is a ſtill more weighty inducement, experience, has taught us to credit its neceſſity. It is natural for us to diſclaim principles that militate againſt our wiſhes; on this ground that body of men, calling themſelves diſſenters, may *argue* againſt a fact, yet, if there ever did exiſt a *religious* attachment to any particular political inſtitu-

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tion of government, it is certainly more apparent (*than in any that ever yet exiſted*) between thoſe *of the proteſtant perſuaſion objecting to epiſcopacy, with the various forms and tenets, connected with it*, and REPUBLICANISM. *The people of England*, or at leaſt the major part of them, object to a *pretended* form of FREE government their anceſtors have felt the *tyranny*, and inconvenience of. It is not neceſſary to draw the concluſion.

No *moderate, peaceable* member of ſociety, be his religious, or political tenets what they may, will ever ceaſe to be reſpected in a civilized country; but neither *literary merit, philoſophical knowledge, or the greateſt boaſted ſkill in theology*, can create a right to inſult thoſe who are of a different perſuaſion. Yet, an author of much eſtimation with *ſome* of the diſſenters, has DARED to call the epiſcopal church, and its political union with the government of Britain, "*a fungus of an eſtabliſhment upon the plant of chriſtianity, draining its beſt juices.*" Is it to be wondered at, when ſuch inſults are abetted, encouraged, and defended by thoſe who call themſelves diſſenters, that every ſtep they take ſhould be watched with ſuſpicion, and parried with a cau-

a cautious firmneſs? Let it be once more repeated, the idea of an union between church, *or religion*, and ſtate, has been furthered, promoted, and continued by the diſſenters themſelves; their reſtleſs, and uneaſy impatience under a required parole, and proof of fidelity to the *nation*, which they *logically* convert into a *reſtraint, and tyranny over conſcience*, and the intemperate, extravagant, furious conduct of their *politico religious ſaints, and teachers*. *No religious tenets*, worthy of the dignified appellation, can, in their proper, and original purity, be objects of political terror. Let them be firſt reduced to that original ſtate, let them be diveſted of thoſe civil rights they have evidently wiſhed to aſſume, and it will then be time to conſider whether the requeſt is juſt, the compliance with it ſafe, and the *offenſive* union of *church, and ſtate* viſionary or oppreſſive.

The pretended friends of liberty have, in their labourious reſearches after deſpotiſm, very wonderfully, and careleſsly overlooked the *only exiſting ſymptoms of it*. Theſe are to be found in that undefined authority, on which ſubject our law is totally ſilent, which (*it had nearly been ſaid*) *warrants* the compulſive

ſive reſtraint laid, on particular occaſions, on the liberty of our ſeamen, and that law which, though ſcarcely leſs infamous, and tyrannical, has, alas, the conſtitutional ſanction of a written ſtatute to enforce obedience to it *. The firſt of theſe, has never been defended on any other ground than that incomprehenſible one of *ſtate neceſſity*, as if any neceſſity could juſtify the exertion of ſo ſcandalous a tyranny. (Paradoxical as it may ſound) the illegality of the act is the only ſupport of its continuance. The genius of the Britiſh nation prefers rather to endure, as an act of deſpotiſm, that which it cannot approve, than ſuffer (by legalizing it) any proof to ſtand on record againſt its juſtice, or its liberty. It is certain, however, were it not for the loud voice of popular prejudice, and that never ceaſing clamour that prevents the ferment, occaſioned by the agitation of the queſtion from ſubſiding, proper palliatives might be found to ſatisfy the injured honour of freedom, to guard her from even the poſſibility of future inſult, and at the ſame time provide

* The act for the preſervation of game.

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in the ampleſt manner for thoſe ſtate *exigencies* which may *ſometimes* occur.

In ſupport of manerial diſpotiſm no ſuch ſtate exigence can be pleaded; no argument, conſonant to *liberty*, *equity*, *reaſon and common-ſenſe*, can be framed in defence of it; it is the legitimate offspring of tyranny, and oppreſſion, and every lineament of the child is, without the leaſt ſkill in phyſiognomy, traceable in the countenances of its parents. The caſtled baron of William the Norman might find ſundry *weighty* reaſons ſufficient to convince any *reaſonable* vaſſal of the *propriety* of his uſurped right; but it is difficult to conjecture, what modern colouring can be uſed to ſoften the harſhneſs of this picture of deſpotiſm, ſo that it will ceaſe to be diſguſting to the critical, and diſcerning eye of freedom.

It is impoſſible to affix an idea of property, where the object is perpetually fluctuating, *it is his, it is yours, and may be that of another*; it is poſſeſſion only that can conſtitute, and eſtabliſh the property; and that poſſeſſion is to be deemed as abiding in *him* alone, on whoſe premiſes, animals, not tame by nature, ſhall be found. The right is eſtabliſhed on the natural, and equitable ſuppoſition of his having

having maintained and nouriſhed them; nor is it poſſible to *invent* any objection againſt the reaſonableneſs of that right. But a man poſſeſſing not a foot of land may, as *lord of different manors*, CLAIM an excluſive privilege of tyranniſing, far as his pretended rights extend, over whole counties. It is no anſwer to ſay an *annihilation* of theſe aſſumed rights would be an unjuſt invaſion of private property. Nothing can be property that can transfer itſelf, at its own pleaſure, without the owner's conſent, or power of reclaim, into the poſſeſſion of another. This is the *natural* right, the encroachments, and alterations created by the aſſumed right (eſtabliſhed by the feudal ſyſtem) ought to have been buried in the ruins of that deteſted fabric of deſpotiſm, at the hour of its *partial* deſtruction, by the ſpirited attack of patriotic liberty. There is no more neceſſity for recapitulating arguments already hackneyed in the refutation of ſo inequitable a claim, than there is for a laboured eſſay to prove the bleſſing of liberty, or curſe of tyranny. All men not intereſted in the event, muſt be unanimous in their aſtoniſhment at the patience with which ſuch inelegant remains of the

the priſtine *grandeur* of deſpotiſm are ſuffered to deform the territory of liberty, and heartily unite in their honeſt endeavours to effect their final demolition.

It is marvellous, how men, profeſſing themſelves advocates, and even champions of liberty, ſhould be permitted to exerciſe, in their fulleſt extent, all the tyrannies attached by cuſtom, (which has grown into a law) to their petty monarchies, and yet retain their rank in the public opinion. It is as abſurd in the people to credit the *patriotic* profeſſions of ſuch a deſpot, as it would be ridiculous to truſt a robber with an unlimited poſſeſſion of our property; it is no argument, but a mere arbitrary dogma, to ſay manerial rights, at leaſt that part of them under our preſent conſideration, conſtitute the property of a man as much as any other (*better defined*) part of his eſtate. No man can be ſaid to have a property in any thing he cannot alienate (*nominatim, et ſingulatim*) and deliver up at pleaſure, and he may with as much propriety claim the very air of his manor *, as the undomeſticated, untamed inhabitants of it.

* And that no one, forſooth, but himſelf, of the human inhabitants, ſhall have a right to breath therein.

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It is neceſſary, however, in this place, to draw a line of diſtinction between the arbitrary claim of the rights themſelves, and the *political reſtrictions* laid on the general uſe, and exertion of them. One of thoſe rights natural to, and inherent in a free people is, that of employing themſelves as they pleaſe, as long as thoſe employments do not interfere with, or abridge the general good of ſociety, or the private, and peculiar poſſeſſions of individuals. It has been already urged, and muſt ever be maintained by all real friends to liberty, the manerial rights in queſtion cannot be a peculiar, and private property, except they are rendered ſo by the general, and free conſent of all the inhabitants of the diſtrict *.

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* The inhabitants of any manor or manors, may, by their own ſpecial free gift, or any other kind of pact, convey their temporary property to whatever individual they chuſe; but without ſuch ſpecial act, every acknowledgement of, and acquieſcence in, the propriety of this *baſely* aſſumed, and moſt deſpotic of all claims, is a deliberate treaſon againſt the majeſty of freedom.

In every free country, no man can legally enter the premiſes of another without his conſent. The noble code of Britiſh juriſprudence, has guarded with the utmoſt care and jealouſy againſt every poſſible infringement

It follows therefore, the purſuit of what is called game, is a natural right poſſeſſed by every

ment of this glorious privilege. We dare not enter the houſe of a reputed felon in the night-time, or even in the face of day, unattended by a ſworn officer of juſtice. The deſpotiſm of the exciſe laws, is a perpetual theme for *patriotic* clamour, notwithſtanding they only partially affect the community, and have for their ſupport the general good of the whole. Notwithſtanding they owe their foundation to the depravity, and fraud of perſons, who inſtead of patriotically coming forward as good citizens, to pay *honeſtly* the quota, or tax levied on them, as part of the general revenue, take (*many of them*) every means the moſt ſubtle fraud can invent, to abridge, and injure it. A remedy to a non-exiſtent evil is uſeleſs, the loudly urged deſpotiſm of the exciſe-laws had never been heard of, had the perſons affected by them continued honeſt; nor would that deſpotiſm ever be called into activity, except by the delinquency of the parties concerned: yet this baſtard blemiſh on the eſcutcheon of freedom, even when blazoned in its moſt frightful colours, is not half ſo diſguſting to the *truly patriotic* herald's eye, as is the diſgraceful bar of manerial deſpotiſm. As we are on the ſubject of the exciſe-laws, it may not be amiſs to hold out to popular contempt an *amphibious* ſpecies of patriot we ſometimes meet with. This perſonage being generally a man of ſome weight, as it is called, in his *own* country, we find at one time filling the *reſpectable* office of chairman to a county meeting; or if content with the humbler ſtation of a private member, is ſure to be, on all *proper* occaſions very loud,

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every individual of a free community. Let us examine how far political inſtitutions may be

violent, and *patriotic*; at another time, we meet him a leading man among the *country* juſtices at *a quarter ſeſſions:* there, no one is more attentive to the *morals*, and *liberties* of the ſubject, no man is more reſpected for his integrity, *his* opinion is univerſally courted by his brethren, and the poor miſerable petty larceny delinquent, trembles at the *unbiaſſed* ſternneſs, the *rigid* virtue of his judge, eſpecially if *ſuſpected* of having ever been a POACHER. In that mighty court of judicature, *a petty ſeſſions*, he ſhines out in all his meridian ſplendour of patriotiſm, when employed in *charitably* ſoftening the laws of his country, occupied in the *god-like* act of defending a delinquent malſter from the fell gripe of THE EXCISE. Hear him brow-beat the affrighted gauger, hear him rail againſt tyranny, hear him exclaim with the true patriotic enthuſiaſm of a CATO *at the head of his little ſenate:*

" Do thou, great liberty, inſpire our ſouls.
" And make our lives in thy poſſeſſion happy,
" Or our deaths glorious in thy juſt defence."

Your veneration of him will ſwell almoſt into idolatry, you will deem him *proximus illi, nec longo intervallo*, little inferior to the prototype himſelf.

On the morrow, you may, perhaps, behold him in a new character, the ſtern, the inflexible enforcer, or expounder of the (GAME) laws. Dead to the feelings of humanity, deaf to the cries of female, and infantine diſtreſs, ſentencing the *ſacrilegious*, becauſe unqualified,

be ſaid to abridge that right. Of this kind are all thoſe laws, or ſtatutes, which create an *artificial* property independent of the ſoil on which that property is nouriſhed, and maintained. Thoſe inſtitutions which (by obliging all perſons exerciſing the right to contribute to the national fund,) eventually may be thought to narrow the right itſelf, are of a very different deſcription. The purſuit of game ceaſing (in a civilized, cultivated country) to be labour, becomes an amuſement, and conſequently a luxury; it is neither political, nor humane, to ſuffer the perſon, whether huſbandman, or mechanic, whoſe

murderer of A PHEASANT, to the payment of a fine, the whole of his worldly property is probably unable to diſcharge; or condemning him for non-payment, to a loſs of LIBERTY, which from the ſuddenneſs of the change, may occaſion that of life alſo, and expoſing by the *juſtice* of his ſentence an *innocent family*, to all the horrors of hunger, and famine, or at leaſt the *precarious* charity of parith officers. Will the man, who has not heſitated to compel his fellow-citizen, untainted with any MORAL crime, to herd, and aſſociate with, the baſeſt outcaſts of ſociety, dare to ſtand forth in the face of that ſociety, and call himſelf the *friend*, the CHAMPION of liberty and freedom.

Hic NIGER eſt, hunc, tu *Romane* caveto.

family

family (conſiſting perhaps of half a ſcore perſons) depends on the labour of his arm for its ſupport, to waſte his time, ſo precious to that family, in the purſuit of an object ſo immaterial to its comfort, and maintenance. The well being of ſociety depends on the induſtry of this claſs of perſons, and the direction of that induſtry to particular objects. Comfort, ſecurity, food, and raiment, are given by that ſociety in exchange for manual labour, or mental ingenuity. So far is the account fairly balanced, and to prevent the bankruptcy of either party, it is neceſſary that both ſhould faithfully adhere to their engagements. The better to enforce the performance of them is the buſineſs of the inſtitution in queſtion, and we cannot too much admire its equity, and propriety. Here is no *deſpotic* abridgement of a natural right, the right itſelf remains open to all; the ſportſman who enjoys the amuſement, yields with pleaſure (or at leaſt ought to do) to the partial tax, becauſe his finances render him juſtified in the payment of the aſſeſſment, and, what in a perſon leſs affluent than himſelf, would be an unwarrantable expenditure, and waſte of time. He, as he in

equity ought to do, contributes to the public fund, in conſideration of being permitted to exert his natural right, and the peaſant *whoſe* NATURAL *right, is equal to his,* obſerves with ſatisfaction, in conſequence of his non-aſſertion of his claim, the tax on his wealthier neighbour paſs HIM unnoticed. If any grievance, or cauſe of complaint ſtill remains, it can be only, that thoſe who chuſe, or are through poverty obliged, to forego the exertion of their rights, may think the price of their forbearance not ſufficiently conſequential, or in plainer Engliſh, that the tax on what are called game licences, ought at leaſt to be doubled.

There cannot be a more juſt, or lively inſtance than the preſent, of the wide difference between the wiſe regulations of a free ſociety, and the deſpotic *edict* of a tyrannical party; that *edict* is, however, not a meaſure of the preſent day, compare that *edict*, the times, the parties, and circumſtances under which it was produced, with the complexion of *regulations* in queſtion, and we ſhall have every reaſon to exult in the national virtue that has produced the alteration, and comfort ourſelves with the change. The eſſence of a free go-

vernment

vernment conſiſts in the general equity, and equality of its laws; it is neceſſary alſo, thoſe laws ſhould virtually originate in the act of the community, and not the will (however juſt and virtuous that perſonage may be) of the ſovereign, or the ariſtocratical power. The prince of a free people is no more than the impartial umpire between thoſe jarring, and claſhing intereſts that muſt ever exiſt in all ſocieties. The freedom, the independence of his own ſtate, afford the moſt unequivocal ſecurity for the equal diſtribution of juſtice, while the attention he muſt, as a man, neceſſarily pay to the peace, and tranquillity of his reign, will cauſe him to watch the liberties of the people with the ſame jealouſy he would his own.

Britons, friends, and fellow-countrymen, liſten not to the weak ſuggeſtions of factious men; convince the reſt of the world you are not dupes enough to believe you are ſlaves; ſpurn, and repreſs the baſe attempts of *ambitious, and indigent* individuals to render you miſerable; be firm, be unanimous, ſhould they attempt (which heaven avert) to diſturb your peace, ſhew, that you have prepared for them that puniſhment the enemies of a free

ſtate

ſtate deſerved, *oſtendite bellum, pacem habebitis.*

The corruption of your repreſentatives, the delinquency of the agents of your executive power, the grievance of an oppreſſive tax or impoſt, or any other regulation, or reſtraint inimical to your natural, or ſuppoſed liberty, cannot *poſſibly* exiſt beyond a *certain ſhort period*, without your ſpecial connivance, and concurrence. If your burthens are heavy, waſte not your time in fruitleſs lamentations, at what cannot now be remedied, but by induſtry, patience, perſeverance, and domeſtic quiet. The cauſes of thoſe burthens have ceaſed to exiſt, and the authors of them permitted to retire in peace. Charge not the extravagance of an *anceſtor* as the crime of his *deſcendant* who has ſucceeded indeed to the direction of a noble eſtate, but incumbered, mortgaged, and deſpoiled by the folly, and rapacity of former ſtewards, and poſſeſſors, and fallen to decay from the indolence, and inactivity of the tenants. Unanimity, aſſiduity, the accumulating, and encreaſing benefits derived from them, will redeem your credit, and place you once more in affluence, and proſperity.

Per-

Perſonal protection, ſecurity of property, every moral, and civil liberty is yours; ſerene and undiſturbed amidſt the tumultuous conflicts of ſurrounding nations, pity their diſtreſs, and imitate not their example. Be happy that the eſtabliſhed form of your conſtitution has rendered you *ignorant* what *deſpotiſm* is. Rejoice that the firſt perſonage in your nation, is not an arbitrary monarch, but an equitable judge, and learn that, the firſt great earthly happineſs is—TO BE CONTENT.

ERRATA.

PREFACE, page ii. line 21, *for*, or addreſſing, *read*, or riſk addreſſing.—p. xiii. l. 21, *dele* even.

Page 1, line 3, *for*, all governments, *read*, all *regal* governments.—Ib. l. 12, *for* contrived, *read* beſtowed.—P. 6, l. 22, *for* they, *read* it.—Ib. l. 23, *for* their, *read* its.—P. 19, l. 3, *dele* "that was."—P. 23, l. 13, *for* their, *read* a.—Ib. l. 14, *for* their, *read* the.—Ib. l. 16, and 17, *for*, "they might be the authors of," *read*, "it might produce."—P. 33, l. 2, *for* taught, *read* allowed.—Ibid. l. 13, *for* have, *read* has.—P. 38, l. 13, *for* even, *read* ever.—P. 41, l. 3, *for* their, *read* the.—P. 42, l. 6, *for* their, *read* its.—P. 43, l. 5, *for* their, *read* the.—Ib. l. 6, *for* their, *read* its.—Ib. l. 7, *for* they, *read* it—P. 44, l. 11 and 12, *for*, been by, *read*, been imputed by.—P. 46, l. 9, *for*, (if ſuch country exiſts), *read*, if ſuch exiſt.—P. 47, l. 4, *dele* they.—P. 52, l. 10, *dele* mere.—Ib. l. 27, *for* eternal, *read* external.—P. 55, l. 6, *for*, had the, *read*, had been the.—P. 56, l. 24, *for* loyalty, *read* royalty.—P. 60, l. 27, *dele* here.—P. 66, l. 21, *for* their, *read* its.—P. 69, l. 16, *for*, neither the, *read*, neither his.—P. 70, l. 8, *for* for, *read* as to.—P. 71, l. 11, *dele* ſecond that.—P. 72, l. 8, *for*, previous however to this, *read*, ere this took

took place.—P. 78, l. 4, *for* their, *read* its.—P. 79, l. 2 and 3, *for* their, *read* its.—P. 80, l. 26 and 27, *for*, an appearance of, *read*, a plauſible.—P. 82, l. 26, *for*, the power, *read*, and the power.—P. 86, l. 17, *for* they, *read* it.—Ib. l. 25, *for* who, *read* which.—P. 87, l. 6, *for* they *read* it.—P. 89, l. 1, *for*, parliament, *read*, parliamentary repreſentatives.—Ib. l. 2, *note*, *for* juges, *read* juger.—P. 92, *note*, *for* haranguer, *read* harangueur.—P. 95, l. 4, *for* themſelves, *read* itſelf.—Ib l. 6, *for* their, *read* its.—Ib. l. 7 and 8, *for*, they were, *read*, it was.—P. 96, l. 1, *for* theſe, *read* thoſe.—P. 98, l. 26, *for* their, *read* its.—P. 102, l. 2, *for*, once more, *read*, again.—P. 103, l. 13, *for* faults, *read* fault.—P. 118, l. 22, *for*, the arguments, *read*, his arguments.—P. 144, l. 6, *for* affimative, *read* affirmative.—P. 148, l. 13, *for* Ideas, *read* ſchemes.—P. 178, *note*, *for* demagogenes, *read* demagogues.

The Author begs leave reſpectfully to apologiſe to the Public for the very extenſive catalogue of errata that occur, more particularly in the former part of this work; a ſudden and indiſpenſible avocation, that occurred after the foregoing ſheets were committed to the preſs, rendered it impoſſible for him to pay that attention to correctneſs his wiſhes, and indeed *duty* demanded. The foregoing, with many other obvious miſtakes, which he would rather paſs over in ſilence, than enlarge his table to that ſize preciſion demands, he hopes to live to correct, ſhould his very humble expoſition of ſo glorious a text, as *the Perfection of the Britiſh Conſtitution*, be permitted to outlive the hour of its production.

April 28, 1792.

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